This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

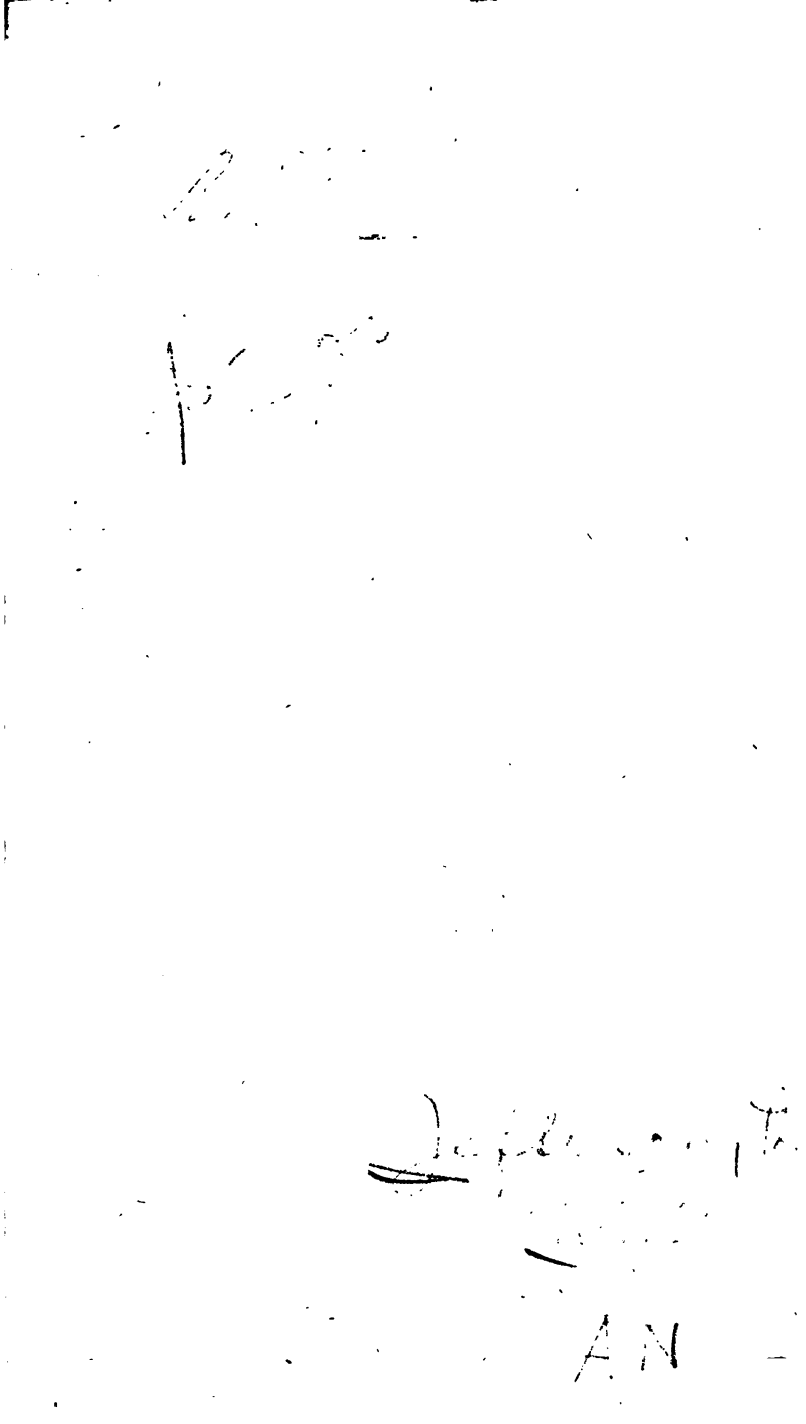
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

A11
(Jefferson, T.)
Dwight



THE CHARACTER

OF

THOMAS JEFFERSON,

AS EXHIBITED IN

HIS OWN WRITINGS.

BY THEODORE DWIGHT.

BOSTON:
WEEKS, JORDAN & COMPANY,
No. 131 Washington Street.

1839.

Entered according to act of Congress in the year 1839, by
WEEKS, JORDAN & COMPANY,
In the Clerk's Office of the District Court of Massachusetts.

MARDEN & KIMBALL, PRINTERS,
No. 3 School Street.

CONTENTS.

CHAPTER I.

Introductory remarks—Different opinions of Mr. Jefferson's character—His Correspondence left for publication—Causes of the Federalists' opposition to Mr. Jefferson—Mr. Jefferson long in public employment—Was opposed to the Constitution—Correspondence on that subject—Attachment to Revolutionary France—Report on Commerce—Madison's Resolutions—Intended to turn the trade of the United States from Great Britain to France—The sentiments of Federalists justified by events—Mr. Jefferson's confidence in Bonaparte—Change in his feelings in 1814.

CHAPTER II.

The Federalists opposed to Mr. Jefferson because he used the government patronage to promote his own and his party's interests—Case of the removal of the New Haven collector—Letter to the New Haven merchants—Collector not removed for want of integrity, capacity or fidelity—Attempt to fix the charge of political intolerance upon Mr. Adams—If it lay against any person, it was Gen. Washington—Doors of honor, &c., burst open by Mr. Jefferson's election—Origin of the doctrine that a change of administration involves the principle of a change of subordinate officers—His election considered by him as a revolution—All executive officers viewed by him as executive agents—Proved by a letter to J. Munroe.

CHAPTER III.

Federalists opposed to Mr. Jefferson because of his known opposition to an independent Judiciary—Letter to Ritchie, December 25, 1820—To Melish, January 1813—To Nicholas, December, 1813—To Barry, July, 1822—Importance of Judicial Indepen-

dence—Language used by Mr. Jefferson on the subject—His opposition to Courts manifested in the prosecution of Burr—Review of Burr's alleged conspiracy, and the proceedings of the government in relation to it—More attempted to be made of it than the facts would warrant—Nothing said about it by the Executive, after the Message at the opening of the session, until January 22—Article published on the same subject in the Richmond Enquirer—Burr's arrest and trial—Correspondence relating to the trial—Attack upon Judge Marshall's character—Mr. Jefferson objects in this affair political—Charges the Federalists with favoring Burr—Correspondence on the subject—Hostility to Judge Marshall on the ground of Burr's acquittal.

CHAPTER IV.

Federalists opposed Mr. Jefferson on the ground of his unsound and dangerous opinions respecting the constitution—Correspondence with Mrs. Adams—Friendship for Mr. Adams—Paying Callendar—His acquaintance with Callendar—Discharge of persons convicted under the sedition law, because he conceived the law a nullity—His sentiments respecting the power of the executive to decide on the constitutionality of laws. The executive and judicial powers equal in this case—The sincerity of Mr. Jefferson's professions of friendship for Mr. Adams—Publication of Paine's Rights of Man—Mr. Jefferson's letter to general Washington in relation to it.

CHAPTER V.

Mr. Jefferson's opinion that one generation of men cannot bind another, individually or collectively, to the fulfilment of obligations—Letter to James Madison on the subject, dated September, 1789—to doctor Gem—to J. W. Eppes—to J. Cartwright, dated June, 1824—Examination of his principle—Mr. Jefferson a mere partizan in politics—Letter to F. Hopkinson, March, 1789—Correspondence respecting the operations of the federal government, 1790, 1791—Origin of the *Ana*—Monarchy—Controversy of those days between the advocates of kingly and republican government.

CHAPTER VI.

Annapolis Convention, 1786—Difference of opinion in that body between a republican or kingly government—Account of that Convention from Pitkin's History—From the Life of Jay—Attempts of the friends of a kingly government, at the Convention, to prevent the formation of a republican government, for the purpose of introducing a monarchy—The charge shown by facts to be unfounded—Only five of the thirteen States represented—His knowledge of the Convention derived from hearsay—No proof of it has ever been adduced—The same charge made against the same party at the Convention which framed the Constitution in 1787—The *Ana* utterly unworthy of credit—Mr. Jefferson's enmity against A. Hamilton, its origin and its object—The charge of monarchical principles intended to promote his own interests.

CHAPTER VII.

Mr. Jefferson had no regard for the constitution if it stood in the way of his interests—Treaty-making power—Opposed to Mr. Jay's treaty with Great Britain—Attempts to prevent its ratification—Doctrine advanced by him regarding the power of the representatives over treaties—Letters to Monroe and Madison—Gallatin's and Madison's opinions—Livingston's resolution in the House of Representatives—Arguments used on both sides in debate—Resolution adopted by House of Representatives—Mr. Jefferson's sentiments opposed to the constitution, of which he seemed to be sensible—His sentiments contradicted in the case of the treaty with France, in 1831; but urged against that treaty by members of the French legislature—Livingston at this time minister at Paris, and obliged to act in opposition to the sentiments avowed by him on Mr. Jay's treaty.

CHAPTER VIII.

Mr. Jefferson a secret enemy of general Washington—Ambitious of being considered as the greatest political character of his country—Willing to concede to Washington pre-eminence as a military officer, but not as a statesman—Formed a French party soon after his return from France—Accused the federalists of British

partialities—Aristocratic and monarchical propensities—Proclamation of neutrality—Strongly opposed by the French party—Extracts from newspapers concerning it—Attacks upon the executive as the enemy of France—Philip Freneau and the National Gazette—Conversation between general Washington and Mr. Jefferson respecting that paper—His enmity to Washington more manifest after the Whisky insurrection broke out—President's speech to congress, November, 1794—Allusion to democratic societies as the sources of it—Mr. Jefferson's opinion of insurrections, November, 1787—Sentiments respecting the Whisky insurrection—Democratic societies and the Cincinnati—Judge Marshall's account of the insurrection, and its suppression—Letter to Mazzei—to James Madison—Effects of general Washington's popularity—John Jay's corruption—Letter to Aaron Burr respecting Washington!

CHAPTER IX.

Mr. Jefferson afraid to attack general Washington's character openly—Letter to W. Jones, January, 1814, a specimen of his insidiousness—Great body of republicans think of Washington as he does—His belief that we should eventually come to something like the British constitution had some weight in his adopting levees, &c.—Pains taken by the federalists to make him view Jefferson as a theorist, &c.—Jefferson never saw Washington after the former left the state department, otherwise these impressions would have been dissipated—Letter from Jefferson to M. Van Buren, June, 1824—Notice of charges in a work published by T. Pickering—Letter to Mazzei—Not a word in that letter that would not be approved by every republican in the United States—Not a word in that letter about France—By forms of British government was meant levees, &c.—Subject of ceremonies at Washington's second election referred to heads of departments—Jefferson and Hamilton thought there was too much ceremony—The phrase, "*Samsons in the field*," meant the society of the Cincinnati—Jefferson says general Washington knew this—Never had any reason to believe that general Washington's feelings towards him ever changed—Washington a sincere friend to the republican principle—Knew Jefferson's suspi-

cions of Hamilton—After the retirement of his first cabinet, general Washington fell into federal hands—Remarks on this letter.

CHAPTER X.

The society of Cincinnati could not have been meant by the phrase "Samsons in the field"—The language of the Mazzei letter, as published in Jefferson's Works, absurd—Jefferson's last parting with general Washington—The time of his death, as stated in the letter to Van Buren not true—Federalists, pretending to be Washington's friends, did what they could to sink his character—The measures of his second administration not imputable to him, but to his counselors—Not approved by the republicans—Answers of the houses to his speech when about to retire, opposed by Giles—Judge Marshall's account of the feelings of the republican party upon the ratification of the British treaty—Letters to Melish, W. Jones, and John Adams—Jefferson says general Washington was not a federalist—No truth in the assertion that Washington was not a federalist—Letter to Jay, May, 1796—Letter to Jefferson, July, 1796—No correspondence after this letter appears on Washington's books with Jefferson—Letter to La Fayette, December, 1798—to Timothy Pickering, January, 1799—To P. Henry, January, 1799—Letters to H. Lee—[Bache's and Freneau's papers, and western insurrection]—Letter to J. Jay—Washington not a republican in the sense of Jefferson—Washington a federalist—Letter to B. Washington, May, 1799—Jefferson's letters intended for history.

CHAPTER XI.

Mr. Jefferson's last parting with general Washington at Mr Adams's inauguration, March, 1797—Washington's faculties impaired—He had become alienated from Jefferson—general Washington's powers of mind never stronger than at the period alluded to—The origin, character, and object of Jefferson's Ana—Persons employed in collecting materials for the work—Story of Sir I. Temple, Hamilton, King and Smith—Story of governor Clinton and a militia general—Conversation between Langdon and Cabot, reported by Lear—Story from Baldwin and Skinner—Jefferson's account of the convention of 1787—Account not

entitled to credit—The constitution made by federalists—Opposed by Jefferson's republicans—The account of both conventions untrue—Not a delegate from the eastern states at Annapolis—Assumption state debts part of a system of corruption—Scheme Hamilton's, Washington ignorant of the plan—Hamilton a monarchist—Conversation at Jefferson's dinner table—Conversation in August, 1791, between Jefferson and Hamilton about the constitution—Hamilton's opinion of it—Practice of noting down private conversations insidious—Such evidence unworthy of credit—Conversation between Jefferson and Washington, October, 1792—Jefferson informed Washington that Hamilton was a monarchist—Character of Hamilton by judge Marshall—Washington's letter, accepting Hamilton's resignation.

CHAPTER XII.

Mr. Jefferson's policy to render the federalists unpopular by stigmatizing them as monarchists—In his letter to Mazzei he charges general Washington with being a monarchist—John Adams originally a republican—Essex federalists—No proof adduced to support the charge—Truth to be ascertained by the measures of the government while under their control—Judiciary—Payment of the national debt—Hamilton's funding system adopted—National bank—Opposed by the republicans—Its constitutionality established by the supreme court and acknowledged by congress—Not monarchical—The true ground of opposition its being owned and managed by federalists—Establishment of a navy—Its necessity and utility universally admitted—Mr. Jefferson's opposition to the British treaty and wish to screen Genet, evidence of his attachment to France—Jefferson discovered nothing monarchical in the federalists until after his party was formed—Letter to Carmichael, March, 1791—Sentiments in the Ana in 1818—His greatest apprehension of monarchy arose from the levees, &c.—All ground of fear had been removed before his Ana were written.

CHAPTER XIII.

The federalists had no confidence in Mr. Jefferson as a politician

—His election a revolution—To ascertain the nature of that revolution his messages to congress must be examined—No act alluded to in his messages to congress as having a monarchical tendency—No original national measures recommended by him but gun-boats and dry docks—Letter to Nicholson on gun-boats—Committee under Madison on gun-boats—Secretary of navy's report to that committee—Correspondence between general Washington and Nicholas, &c., respecting John Langhorne.

CHAPTER XIV.

Mr. Jefferson's feelings on his return from France in 1789—Found here a preference for kingly government prevalent—Mr. Jefferson an ambitious man—Called himself a republican and his opponents monarchists—Monarchy talked of at dinner parties—Attacks upon Hamilton—Asserts that Hamilton introduced a draft of a constitution to the convention for a monarchy—Letter from Hamilton to T. Pickering on his proposition for a constitution—No monarchical feature in it—The charge of monarchical principles in the federalists traced by Jefferson to the conventions of 1786 and 1787—Judge Marshall's notice of the convention of 1787—Names of some of the principal members of that body—Mr. Jefferson's artful manner of establishing his claim to a republican character—Letter to R. M. Johnson—Conversation with general Washington—Character of the early federalists—Great courage necessary to attempt the destruction of general Washington's character.

CHAPTER XV.

Alien and sedition laws—Reasons for passing the alien law—Copy of the act—Zealously opposed by Mr. Jefferson—His opinion of it as expressed in his letters—Urges Pendleton to write against it—Copy of parts of the sedition law—His opinion of it as expressed in a letter to Mrs. Adams—Petitions to congress for the repeal of the laws—Report of committee in the house of representatives—Letter to Madison, February, 1799, giving an account of the proceedings in the house on the report—Law respecting alien enemies—Still in force—Extract from Tucker's Life of Jefferson—His object in opposing the law to court popu-

larity, and render the federalists unpopular—Letter from general Washington to Spotswood, on the alien and sedition laws—Letter to B. Washington—Prosecutions under the sedition law—Persons convicted pardoned by Jefferson—Prosecutions in Connecticut—Case of Rev. Dr. Backus—Letter from Jefferson to W. C. Nicholas, professing ignorance of these cases—Facts to show that he was acquainted with them.

CHAPTER XVI.

The Federalists believed Mr. Jefferson insincere and hypocritical—Professed great friendship for John Adams in a letter to Mrs. Adams, in 1804—In a letter to general Washington, in 1791, he charges Mr. Adams with apostacy to monarchy—The friendly intercourse between them not interrupted by this apostacy, but by Mr. Adams's appointments to office at the close of his administration—Apparent that Jefferson had, upon coming into the secretary of state's office, laid his plan to place himself at the head of the government—Hamilton, being a more formidable obstacle to his ambition than Adams, became the object of peculiar animosity—Correspondence between general Washington and Jefferson and Hamilton, in August, 1792, respecting dissensions in the cabinet—Washington's letter to Jefferson—Letter to Hamilton—Mr. Jefferson's answer, September, 1792—Reasons for employing Freneau—Objections to the constitution, that it wanted a bill of rights, &c.—Says Hamilton's objection was, that it wanted a king and house of lords—Hamilton made great exertions in the formation and adoption of the constitution—Jefferson did nothing—Hamilton's answer to Washington's letter, August, 1792—Washington's confidence in Hamilton never shaken by Jefferson's attempts to that end—Jefferson never appealed to the country, as suggested in his letter.

CHAPTER XVII.

Mr. Jefferson made use of unworthy means to gain popularity—Alleges that he had more confidence in the people than general Washington had; which was the only point on which they differed—He assumed the title of "Friend of the People"—Dress-

ed plainly—affected unassuming manners—professed never to have written a word for newspapers—He urged others to write—In one instance he wrote himself, but proposed to procure somebody to father it—Tells Madison he must take up his pen in reply to Hamilton—Letter to E. Pendleton, Jan. 1799, urges him to write on the negociation with France—Letter to Madison, and calls upon him to write—The federalists viewed Jefferson as an unbeliever in Christianity—Letter to Dr. Priestly, March, 1804—Letter to Dr. Rush, April, 1803—estimate of the merits of the doctrines of Jesus, compared with the others—Letter to J. Adams, August, 1813—Letter to W. Short, April, 1820—Jefferson a materialist; Jesus on the side of spiritualism—Paul the first corrupter of the doctrines of Jesus—Letter to Short, Aug. 1820—The God of the Jews cruel, vindictive, capricious, and unjust—Letter to J. Adams, April, 1823—The three first verses of John, 1st chapter, mistranslated—Jefferson not a Christian—doubtful whether he believed in a God—His translation of John 1st absurd—Recapitulation of the subjects in the work—Conclusion.

ERRATA. — On page 64, line 20, read, *least* color; 65, 5th line from bottom, *judice;* 77, 2d line from bottom, insert *instead of* after the word *that;* 95, line 5, read, *fifty* years; 103, line 5, read *are* called; 106, first line, read *address;* 116, 2d line from bottom and on pages 187, and 193, read *Bache's* paper; 117 and 121, read *gulped;* 121, 2d line from bottom, read *changed;* 123, 4th line from bottom, read 1795; and on pages 125, 144, 158, read *Mazzei;* 305, line 10 from bottom, read *Tapping Reeve;* 308, line 18 from top, read *David M. Randolph.*

CHARACTER OF JEFFERSON.

CHAPTER I.

Introductory remarks—Different opinions of Mr. Jefferson's character—His Correspondence left for publication—Causes of the Federalists' opposition to Mr. Jefferson—Mr. Jefferson long in public employment—Was opposed to the Constitution—Correspondence on that subject—Attachment to revolutionary France—Report on Commerce—Madison's Resolutions—Intended to turn the trade of the United States from Great Britain to France—The sentiments of Federalits justified by events—Mr. Jefferson's confidence in Bonaparte—Change in his feelings in 1814.

NEARLY forty years have elapsed since the first election of Thomas Jefferson to the office of president of the United States. That event was then considered by him, and is still claimed by his partizans, to have been a revolution in the political condition of this country scarcely if at all inferior in importance to that which severed the United States from their allegiance to the government of Great Britain. There ought to be a good foundation on which to rest such a claim as this. If it had been advanced originally for the mere purpose of promoting the views and interests of a political party, it might be suffered to pass out of remembrance with many other things of a somewhat similar character that are now nearly forgotten. But

a new generation of men have grown up since the period above alluded to, who know very little of the characters, principles or services of those who formed the constitution of the United States, or of the policy which was adopted and pursued by the men who organized the government, and, for the first twelve years of its existence, influenced and directed its operations. Mr. Jefferson and his friends claim the merit of having accomplished "the revolution of 1801" with as much confidence as if such an event had actually been achieved, and had been brought about by their own personal exertions. Federalists and federalism are used by them as terms of reproach, applicable, in their opinion, to a large number of men and a series of measures which, it would seem from their language, deserve nothing short of unqualified reprobation. Without troubling themselves to examine the characters of the persons alluded to, or to discuss and understand the nature and tendency of their system of measures, they arrive at their object by a much shorter and easier route. In order to avoid the trouble of examination, they content themselves with stigmatizing both with opprobrious names which stupidity itself can learn to repeat, and which, when once got by heart, answer all the purposes that their artful inventors had in view when they introduced them to public use. And although the federalists, as a political party, have long ceased to act, or even to exist, such has been the effect of this peculiar kind of political machinery, and the despotic influence of party spirit, that the term has been and is still relied upon, by every modification of the party which has held the power of the general government, for nearly forty years past—from March, 1801, to the present time—as the source of their own popularity and the maintenance of their supremacy and power over the

affairs of the nation. A political engine which, under such a variety of circumstances, and in the hands of so many different individuals, could be safely relied upon for such important consequences, must have been the device of no ordinary mind; and when it is added that it originated with Mr. Jefferson, those who are well acquainted with his character will cease to wonder; and those who are not, may gain some insight into it from the following pages.

It is very doubtful whether, in the whole extent of political history, a more singular and extraordinary personage can be found than Thomas Jefferson. Flattered, admired, and extolled by his partizans, as the greatest of statesmen and patriots — viewed by his opponents as an artful and dangerous intriguer, visionary in his notions, unsound in his principles, selfish in his feelings and opinions, and ambitious in his views and projects — no person can be surprised to hear that the sentiments entertained of his principles and character, by the parties which then prevailed in the country, were widely and essentially different from each other. The federalists formed their estimate of both from the facts which fell under their observation while he was engaged in the active concerns of the government, and from evidence which they occasionally derived from other sources. His immediate friends took much for granted in forming their opinions of his merit. They gave him full credit for the services he had rendered during the revolutionary struggle, particularly as the author of the declaration of independence. On the strength of these services, without understanding precisely their nature, extent or importance, they claimed much in favor of his talents and patriotism; and, as he was as necessary to their interests as they were to the success of his ambitious pro-

jects, they required but little positive proof of what they might expect from his future services and influence. In such a state of things, it is not to be wondered at that his opponents should become, in the warm conflicts of political parties, objects of the greatest animosity to his devoted friends and admirers.

It so happened that Mr. Jefferson, at his death, left behind him very voluminous collections of letters, addressed to his multiplied correspondents, and other written documents, which, since his death, have been published to the world by his grandson, to whose care they were confided. It is to be presumed they were selected, prepared and arranged by himself, and that his representative had nothing to do but to place them, according to that arrangement, before the public. The internal evidence in favor of this supposition is very strong. But whether the fact was so, or they were left to the discretion of the editor, is of no importance in the view which will here be taken of their contents. Their authenticity is neither denied nor doubted; and it is, therefore, of no moment to the world at large by whose agency they were placed before them. In this work, so far as may be necessary for the accomplishment of the object which the author has in view, they will be freely scanned; and the main purpose of the writer will be to show, that the estimate which the federalists formed of his principles and character, political, moral and religious, was not merely justifiable but strictly correct — that his works show that all and more than all they said of him was true.

Mr. Jefferson spent a large part of a very long life in public employment. In the course of his political career, he held many important offices, and among them that of chief magistrate of the United States. Previously to the

commencement of the French revolution, he was appointed to the office of minister plenipotentiary of the United States to the court of France, where he remained until the year 1789, when he returned to this country, and from general Washington received the appointment of secretary of state under the newly formed national government. Before that time, he had been generally considered as a man of learning and talents, thoroughly versed in the political affairs of the nation, and sincerely devoted to its welfare and prosperity. There was, moreover, an extraordinary degree of popularity attached to his name, from the circumstance that he was chairman of the committee who reported the declaration of independence; and it was understood that he was the principal draftsman of that famous document. Before the formation of the present federal government, political parties, like those which have since divided and distracted the country, were unknown. Local views and interests operated upon the minds of men in various cases, and gave rise to differences of opinion upon different subjects; but the Union had never before been divided into two great political parties, as it was very shortly after the new government was formed and organized. This division, however, took place very soon after its organization, and the names of federalists and anti-federalists soon came into common use. But as the latter term indicated opposition to the constitution, Mr. Jefferson, with an adroitness that marked all his movements as the head of a party, soon devised the more captivating title of republican for his adherents to adopt as their watchword and countersign. This new designation was well conceived for the purpose which he had in view when he threw it out as a bait for his followers. It held out the idea of a sincere and devoted regard for the general polit-

ical feeling and sentiment of the country, and, by implication at least, charged those to whose principles and measures he was opposed, with the heinous offence of aristocratic or monarchical predilections and propensities. This, it will be perceived, was an ingenious mode of securing popularity to himself, and at the same time of rendering his opponents suspected and odious. And it answered all the purposes which its author had in view—it established him, in popular opinion at least, as the friend, the "man of the people;" and in the end it destroyed the political influence and credit of those who framed and supported the constitution and government. Its more remote effects have been alluded to. It remains to this day, notwithstanding the changes of men and the vicissitudes of parties and politics, the talisman which enables those who use it to govern and control the public councils of the nation.

One cause for Mr. Jefferson's unpopularity with the federalists was his well known opposition to the constitution of the United States. At the time when the convention met by which it was formed, and until after its adoption by the states, he was in France as minister plenipotentiary from this country. It was well understood here, that he had imbibed many of the wild and visionary notions of the early revolutionists of that nation; and when he came to see the constitution which was prepared, and was about to be submitted to the people of the United States for their approbation, he began to discover many serious objections to it. His letters to his American friends and correspondents, contain abundant evidence of his dislike to that instrument. In page 64 of his biography of himself, prefixed to the first volume of his memoirs, published since his death, he says — "This convention (which framed the constitution) met at Philadelphia on the 25th

of May, 1787. It sat with closed doors, and kept all its proceedings secret until its dissolution on the 17th of September, when the results of its labors were published all together. I received a copy, early in November, and read and contemplated its provisions with great satisfaction. As not a member of the convention, however, nor probably a single citizen of the Union, had approved of it in all its parts, so I, too, found articles which I thought objectionable. The absence of express declarations ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the *habeas corpus*, and trial by jury in civil as well as in criminal cases, excited my jealousy; and the re-eligibility of the president for life I quite disapproved." This memoir appears to have been written in January, 1821, when Mr. Jefferson was 77 years of age, and many years after he had retired from public life.

In a letter to John Adams, (vol. 2, page 265,) dated Paris, November 13, 1787, he says — "How do you like our new constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. The house of federal representatives will not be adequate to the management of affairs, either foreign or federal. Their president seems a bad edition of a Polish king. He may be elected from four years to four years for life. Reason and experience prove to us that a chief magistrate, so continuable, is an office for life. When one or two generations shall have proved that this is an office for life, it becomes, on every succession, worthy of intrigue, of bribery, of force, and even of foreign interference. It will be of great consequence to France and England to have America governed by a *Galloman* or an *Angloman*. Once in office, and possess-

ing the military force of the Union, without the aid or check of a council, he would not be easily dethroned, even if the people could be induced to withdraw their votes from him. I wish that at the end of four years they had made him forever ineligible a second time. Indeed, I think all the good of this constitution might have been couched in three or four new articles to be added to the good, old, and venerable fabric, which should have been preserved even as a religious relique."

In a letter to James Madison, dated Paris, December 20, 1787, (vol. 2, 272,) [after enumerating several things in the constitution which he likes,] he says — "I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the *habeas corpus* laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations."——

"The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the president. Reason and experience tell us that the first magistrate will always be re-elected, if he may be re-elected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or foe at the head of our affairs, that they will interfere with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election out-voted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they

be the central ones, lying in a compact body themselves, and separating their opponents; and they will be aided by one nation in Europe, while the majority are aided by another. The election of a president of America, some years hence, will be much more interesting to certain nations of Europe than ever the election of a king of Poland was. Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears; the Roman emperors, the popes while they were of any importance, the German emperors till they became hereditary in practice, the kings of Poland, the deys of the Ottoman dependencies."

After a series of observations upon the subject, he says — "I own I am not a friend to a very energetic government. It is always oppressive. It places the governors, indeed, more at their ease at the expense of the people. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in thirteen states in the course of eleven years, it is but one for each state in a century and a half. No country should be so long without one."

In a letter to E. Carrington, dated Paris, December 21, 1787, he says — "As to the new constitution, I find myself nearly a neutral. There is a great mass of good in it, in a very desirable form; but there is also, to me, a bitter pill or two."

In a letter to general Washington, dated Paris, May 2, 1788, he says — "I had intended to have written a word on the subject of the new constitution, but I have already spun out my letter to an immoderate length. I will just observe, therefore, that according to my ideas, there is a great deal of good in it. There are two things, however, which I dislike strongly. 1. The want of a declaration

of rights. I am in hopes the opposition in Virginia will remedy this and produce such a declaration. 2. The perpetual re-eligibility of the president. This I fear will make that an office for life first, and then hereditary. I was much an enemy to monarchies before I came to Europe. I am ten thousand times more so since I have seen what they are. There is scarcely an evil known in these countries which may not be traced to their king as its source, nor a good which is not derived from the small fibres of republicanism existing among them. I can further say with safety, there is not a crowned head in Europe whose talents or merits would entitle him to be elected a vestryman by the people of any parish in America. However, I still hope that before there is danger of this change taking place in the office of president, the good sense and free spirit of our countrymen will make the changes necessary to prevent it."

In a letter to Francis Hopkinson, dated Paris, March 13, 1789, after a somewhat extended view of his opinion respecting the constitution and of his political sentiments, he says — "These are my sentiments, by which you will see I was right in saying, I am neither a federlist nor antifederalist; that I am of neither party, nor yet a trimmer between parties."

Many more passages of a similar character might be cited from his writings to show that he was on many accounts opposed to the constitution. As a number of his letters got abroad, his sentiments respecting it became known, and the public were extensively informed of the opinions which he entertained concerning it. This is a sufficient vindication of the federalists — who were the authors of the constitution and were mainly instrumental in procuring its adoption, and when the government was

formed under it, of establishing the great system of political measures which has been continued in operation until the present time — for viewing him with feelings of doubt and suspicion when he came to take an active part in the affairs of the nation. They thought it would require all the talents, public spirit, and energy of its friends, to establish it and put it into operation. They, therefore, very naturally felt strong reluctance at the idea of placing it under the control of a man who was well known to be opposed to many of its important principles and provisions.

Another source of apprehension on the part of the federalists towards Mr. Jefferson, was a firm persuasion that he entertained an inordinate attachment to revolutionary France. Having been minister from this country to that from the summer of 1785 to the close of the year 1789, he had lived in the midst of all the preparatory measures for the French revolution. Alluding to this period, he says — "I had left France in the first year of her revolution, in the fervor of natural rights and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise."* Naturally enthusiastic and visionary, fond of theories, and entertaining Utopian notions of society and government, it is scarcely possible that with such a peculiar cast of mind he should not have imbibed the wildest sentiments of that distracted era. That such was the fact, the following passage in a letter to J. Madison, dated Paris, January 30, 1787, furnishes striking evidence. "Nothing should be spared on our part *to attach this country to us.* It is the only *one on which we can rely for support* under every event. Its inhabitants love us more, I think, than they do any other nation on earth. This is

* Jefferson's Writings, vol. 4, p. 446, (Ana).

very much the effect of the good dispositions with which the French officers returned." Again (in his Ana, vol. 4, page 496,) he calls "France the only nation on earth sincerely our friend." Feelings of this description he carried into public life when he entered upon the office of secretary of state under the new government. As early as February, 1791, he was instructed "to make a report as to the nature and extent of the privileges granted to American commerce, as well as the restrictions imposed upon it by foreign nations; and also as to the measures, in his opinion, proper for the improvement of the commerce and navigation of the United States."*

This report, as was well known at the time, gave rise to the celebrated commercial resolutions submitted to the House of Representatives of the United States in January, 1794. "The substance of the first, says Mr. Pitkin, was, that the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the *manufactures* and *navigation* of foreign nations. The additional duties were to be laid on certain articles manufactured by those European nations *which had no commercial treaties with the United States.*" This was carried by a small majority. "The last of the resolutions declared, that provision ought to be made for ascertaining the losses sustained by American citizens from the operation of particular regulations of any country contravening the laws of nations; and that these losses be reimbursed, in the first instance, out of the additional duties on the manufactures and vessels of the nation establishing such regulations."†

The discussion of these resolutions showed, that their

* Pitkin's Pol. and Civ. Hist. U. S., vol. 2, 406.

† Ibid, 407.

object was political as well as commercial, and it was apparent that the effect of them would be to transfer the trade of the United States from Great Britain to France. In the course of it, a proposition was offered to the house, by a member of the name of Clark, which declared that until the British government should make restitution for all losses and damages sustained by the citizens of the United States from British armed vessels, contrary to the law of nations, and also until the western posts be given up by the British, *all commercial intercourse* between the United States and Great Britain, so far as respects the products of Great Britain and Ireland, should be prohibited."* Had this measure been carried into effect, it is easy to see that it would have turned the mercantile concerns of this country away from Great Britain and directed them immediately to France — the object which Mr. Jefferson was undoubtedly desirous of accomplishing; and in a letter to Tench Coxe, dated May 1, 1794, he expresses his decided approbation of Mr. Clark's proposition of cutting off all communication with the nation which has used us so atrociously. Although his professed object in the adoption of this measure was to punish the injustice of Great Britain towards the United States, no reasonable person can doubt that his approbation of the measure arose from the consideration that it would have a direct tendency to accomplish the great object he had recommended to Mr. Madison in January, 1787, that "nothing should be spared on our part to attach France to us."

With a full belief that Mr. Jefferson entertained this strong partiality to France, it is not to be wondered at that sober, reflecting men, of sounder principles and more correct views, should withhold their confidence from him,

* Pitkin's Pol. and Civ. Hist., vol. 2, p. 412.

or that they should look with apprehension to the effects of his political influence and conduct. It was perfectly well known, in this country as well as in Europe, that not only the political but the moral and religious character of the French people had become wild, extravagant and depraved. During the earliest stages of their revolution, all the restraints of government were cast off, the rabble obtained the entire ascendency, and were guilty of the most terrible excesses; and Paris became a scene of riot, bloodshed, and every kind of atrocity which human ingenuity could devise and savage barbarity could execute. Power was seized by the most sanguinary villains and cut throats, and no person's life, against whom their vengeance was directed, was safe for a day, and scarcely for an hour. In short, that city for years exhibited Mr. Jefferson's favorite spectacle of "the tempestuous sea of liberty." At the same time, Christianity was scouted from the nation, the grossest infidelity and the greatest profligacy of principle and conduct prevailed through the community, and the great body of the people became ferocious atheists. That those who considered the state of things in revolutionary France with dread and abhorrence should be apprehensive of evil consequences from the influence and principles of a man who had witnessed the beginning of these evils in that country and had returned to this, with his mind excited by the fervor of reformation, and disposed to attach this nation to that as the only one on which we could rely for support, is not surprising.

Those who were on the stage of life at the time Mr. Jefferson returned from France, and had opportunity not only to witness the commencement of the French revolution but to see its progress and its close, will be able to determine how far the federalists were justifiable in enter-

taining suspicions of the soundness and practical utility of his political principles. The experiment has decided the question so conclusively that there is not, at the present time, the least possible room for dispute or cavil. Its career began in civil commotions, in riots and massacres at home, in wantonly shedding the blood of each other; and it soon extended itself to other countries, and in a short time involved Europe in the most sanguinary, destructive and desolating wars that were ever known in that portion of the globe since the introduction of civilization and the establishment of Christianity. Notwithstanding the obvious tendency of the revolutionary measures of that country, and the lawless spirit which marked all their proceedings, at home and abroad, such was the wild, enthusiastic character of his mind, that he was never thoroughly cured of the revolutionary mania until the revolution itself was brought to a close by the establishment of a military despotism. In a letter to Tench Coxe, dated May 1, 1794, after he had left the office of secretary of state, he says, "Your letters give a *comfortable* view of French affairs, and later events seem to confirm it. Over the foreign powers I am confident they will triumph completely; and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants, *is destined*, in the order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness, and to bring, at length, kings, nobles and priests, to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatos." In the following year, in a letter to W. B. Giles, dated April 27, 1795, he

says, "I sincerely congratulate you on the great prosperities of our two first allies, the French and Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for a-while, and go and hail the dawn of liberty and republicanism in that island."

Republicanism seemed to be, at the outset, the great charm which drew towards France Mr. Jefferson's most enthusiastic affections, as well as admiration. But when that farce was ended, and the government had assumed a totally different form, being nothing less than a severe and unqualified despotism under the name of a consulate, such was his ardor in favor of that nation that he appeared to transfer his confidence, as well as his esteem, to the dictator who controlled its affairs. In a letter to Robert R. Livingston, dated November 4, 1803, during his first period as president, when speaking of the Louisiana treaty, he says, "Mr. Pichon, according to instructions from his government, proposed to have added to the ratification a protestation against any failure in time or other circumstances of execution on our part. He was told, that in that case we should annex a counter protestation, which would leave the thing exactly where it was; that this transaction had been conducted, from the commencement of the negociation to this stage of it, with a frankness and sincerity honorable to both nations, and comfortable to the heart of an honest man to review; that to annex to this last chapter of the transaction such an evidence of mutual distrust was to change its aspect dishonorably for us both, and contrary to truth as to us; for that we had not the smallest doubt that France would punctually execute its part; and I assured Mr. Pichon that I had more confidence

in the word of the first consul than in all the parchment we could sign."

How long Mr. Jefferson continued to entertain feelings of this sort for Bonaparte may perhaps be ascertained by what follows. After the conqueror of Europe had himself been conquered and dethroned, and banished to the island of Elba, in the Mediterranean, in a letter to John Adams, dated July 5, 1814, the tide of admiration seems to have changed with the change of fortune, and he speaks of him in a very harsh and unkind manner, as follows: — "Shall you and I last to see the course the seven-fold wonders of the times will take? *The Attila of the age* dethroned, the ruthless destroyer of ten millions of the human race, whose thirst for blood appeared unquenchable, the great oppressor of the rights and liberties of the world, shut up within the circuit of a little island of the Mediterranean, and dwindled to the condition of a humble and degraded pensioner on the bounty of those he has most injured. How miserably, how meanly, has he closed his inflated career! What a sample of the bathos will his history present! He should have perished on the swords of his enemies under the walls of Paris.

"But Bonaparte was a lion in the field only. In civil life a cold-blooded, calculating, unprincipled usurper, without a virtue; no statesman, knowing nothing of commerce, political economy, or civil government, and supplying ignorance by bold presumption. I had supposed him a great man until his entrance into the Assembly *des Cinq Cens*, eighteenth *Brumaire*, (an. 8.) From that date, however, I set him down as a great scoundrel only. To the wonders of his rise and fall, we may add that of a Czar of Muscovy, dictating, *in Paris*, laws and limits to all the

successors of the Cæsars, and holding even *the balance in which the fortunes of this new world are suspended.*"

This extract contains facts enough, under Mr. Jefferson's own authority, to justify the federalists for the opinion they formed of Bonaparte's character, the objects which he, and of course the nation which supported him in pursuing those objects, had in view, the dangers which they apprehended from his supremacy, and the controling influence which he would be able to exert, after having subjugated Europe including Great Britain, over the affairs and interests of this country. The federalists viewed Bonaparte throughout his career as an Attila—a "scourge of God," more nearly resembling his great predecessor than any other personage mentioned in modern history; and it was for a close adherence to him and his measures that they considered Mr. Jefferson as a dangerous man to be placed over the government of their country. They looked with strong apprehensions to the consequences of electing a man to the office of chief magistrate who was friendly to "the ruthless destroyer of ten millions of the human race;" to one "whose thirst for blood appeared unquenchable," and who was "the great oppressor of the rights and liberties of the whole world"—"a cold-blooded, calculating, unprincipled usurper, without a virtue." Mr. Jefferson says he "had supposed him to be a great man until his entrance into the assembly," in the eighth year; "from that date he set him down as a great scoundrel only."

The federalists having obtained an earlier insight into his real character, differed essentially from Mr. Jefferson concerning him. They did not form their opinions of him on the comparatively trifling circumstance of his con-

duct on the occasion alluded to. They had but little confidence in the characters and conduct of the principal leaders in the revolutionary conflict, and in none less than him. And the farther the revolutionists advanced in their tremendous career, the more strongly were their early opinions and sentiments, respecting both the men and their objects, confirmed; and they were not under the necessity, at so late a period, of acknowledging their error and altering their whole course of thought, as well as of conduct, with regard to them.

And yet, on the simple ground that the federalists had formed these correct sentiments respecting revolutionary France and Frenchmen at an earlier period than himself, Mr. Jefferson, for many years, stigmatized them as Anglomen, friends of monarchy, aristocrats, enemies of freedom, republicanism and the rights of men. By pursuing this course, and rousing up popular prejudice and vulgar passion, he succeeded in depriving them of the public respect and confidence, and in elevating himself to the head of the government.

CHAPTER II.

The Federalists opposed to Mr. Jefferson because he used the government patronage to promote his own and his party's interests —Case of the removal of the New Haven collector—Letter to the New Haven merchants—Collector not removed for want of integrity, capacity or fidelity—Attempt to fix the charge of political intolerance upon Mr. Adams—If it lay against any person, it was Gen. Washington—Doors of honor, &c., burst open by Mr. Jefferson's election—Origin of the doctrine that a change of administration involves the principle of a change of subordinate officers—His election considered by him as a revolution—All executive officers viewed by him as executive agents—Proved by a letter to J. Munroe.

THE federalists were opposed to Mr. Jefferson on the ground that he made use of the patronage of the government to promote the views and interests of himself and his party, without any reference to the public welfare. His immediate predecessor in office, John Adams, had appointed Elizur Goodrich collector of the port of New Haven, Conn. This gentleman performed the duties of his office with strict fidelity to the government, and in a manner entirely acceptable to the inhabitants and merchants of that place. Upon hearing of his removal, the latter united in a respectful but frank and decided remonstrance against the measure, expressing in the fullest manner their approbation of his character and conduct, and requesting that he might be restored to his place. In his reply to this application, Mr. Jefferson, without suggesting the slightest charge against Mr. Goodrich as an officer of the government, places his removal from office solely on political

ground. He says, "The removal, as it is called, of Mr. Goodrich, forms another subject of complaint. Declarations by myself in favor of *political tolerance*, exhortations to *harmony* and affection in social intercourse, and to respect for the *equal rights* of the minority, have, on certain occasions, been quoted and misconstrued into assurances that the tenure of offices was to be undisturbed. But could candor apply such a construction? It is not indeed in the remonstrance that we find it; but it leads to the explanations which that calls for. When it is considered that, during the late administration, those who were not of a particular sect of politics were excluded from all office; when, by a steady pursuit of this measure, nearly the whole offices of the United States were monopolized by that sect; when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they more approved; was it to be imagined that this monopoly of office was to be continued in the hands of the minority? Does it violate their *equal rights* to assert some rights in the majority also? Is it *political intolerance* to claim a proportionate share in the direction of the public affairs? Can they not harmonize in society unless they have everything in their own hands? If the will of the nation, manifested by their various elections, calls for an administration of government according with the opinions of those elected; if, for the fulfilment of that will, displacements are necessary, with whom can they so justly begin as with persons appointed in the last moments of an administration, not for its own aid, but to begin a career at the same time with their successors, by whom they had never been approved, and who could scarcely expect from them a cordial co-operation? Mr. Goodrich was one of these. Was it proper for him

to place himself in office without knowing whether those whose agent he was to be, would have confidence in his agency? Can the preference of another as the successor of Mr. Austin be candidly called a removal of Mr. Goodrich? If a due participation of office is a matter of right, how are vacancies to be obtained? those by death are few, by resignation none. Can any other mode than that of removal be proposed? This is a painful office; but it is made my duty, and I meet it as such. I proceed in the operation with deliberation and inquiry, that it may injure the best men least, and effect the purposes of justice and public utility with the least private distress; that it may be thrown as much as possible, on delinquency, on oppression, on intolerance, *on anti-revolutionary adherence to our enemies.*

"The remonstrance laments that a change in the administration must produce a change in the subordinate officers; in other words, that it should be deemed necessary for all officers to think with their principal. But on whom does this imputation bear? On those who have excluded from office every shade of opinion which was not theirs, or on those who have been so excluded? I lament sincerely that unessential differences of opinion should ever have been deemed sufficient to interdict half the society from *the rights and the blessings of self-government*, to proscribe them as unworthy of every trust. It would have been to me a circumstance of great relief had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure; but that done, return with joy to that state of things when the only questions concerning a candidate

shall be, Is he honest? Is he capable? Is he faithful to the constitution?"

It will be borne in mind that Mr. Goodrich was not removed from office in consequence of any imputation upon his integrity, his capacity, or his fidelity. In each of these particulars he was not only above reproach, but even above suspicion. Indeed it was not Mr. Jefferson's object to inquire into these traits of his character. He acknowledges that he had departed from the state of things in which such an inquiry could properly be made; and at the close of his letter, devoutly expresses the hope that, when he has corrected the errors of his predecessors, Washington and Adams, in selecting candidates and making appointments, *he shall return with joy to that state, and make those qualifications the sole objects of inquiry.* It is, then, to be considered as indisputable, that in removing Mr. Goodrich and appointing his successor, Mr. Jefferson had no regard to the qualifications of integrity, capacity, and fidelity to the constitution, but was actuated by different motives and another spirit; and it must necessarily follow that his objects were political, personal and selfish; and his remarks in attempting to vindicate his course, are founded altogether upon that idea.

He says, that during the late *administration*, those who were not of a particular sect of politics were excluded from office. This attempt to confine the charge of intolerance to Mr. Adams's administration is a mere trick. Mr. Adams was in office but four years. Probably he left the offices generally as he found them, occupied by those who had been placed in them by general Washington. It is certain he made very few removals; and it may be said with safety, that not one was made for political reasons. If there was anything sectarian then in the system of ap-

pointments to office, it was chargeable more to general Washington than to Mr. Adams. But as general Washington's popularity was much greater than Mr. Adams's, and the country had hardly ceased mourning for his death, with characteristic cunning Mr. Jefferson charges the seclusion of *his own sect* from office to the account of Mr. Adams. That sect, however, had scarcely a name or an existence when general Washington's administration commenced; and when the first appointments under the government were made, reference could not have been had to political distinctions. A state of things existed in which the inquiry respecting the integrity, capacity and fidelity to the constitution, could be made and was made; nor was it necessary to return to that practice, as it had not been departed from. Mr. Jefferson, then, on the score of intolerance, had no ground of complaint, against either Mr. Adams or General Washington. This brings his case down to one of a mere political character. He had been elected president by a party, and was under the necessity of rewarding his partizans with offices and incomes; and here may be found the origin of the doctrine of "contending for victory and dividing the spoils." New York, with all its claims to practical distinction in this respect, is not entitled to the merit of having invented this system.

But, says Mr. Jefferson, "when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they more approved, was it to be imagined that this monopoly of office was still to be continued in the hands of the minority? Does it violate their *equal rights*, to assert some *rights* in the majority also?" He obviously goes upon the ground, that the great political struggle which terminated in his own

election — an event of so much importance in his opinion, as well as in that of his warm partizans, as to be dignified with the character of a revolution — was a mere conflict for office. The *rights and the blessings of self-government* of which he speaks as belonging to the majority, must of necessity be the emoluments of office, because the great contest through which they had just passed had put them in possession of the administration of the government. All the rights which they could claim beyond this were what, in more modern and more simple language, are called the "spoils of victory." Again — Mr. Jefferson says, "If the will of the nation, manifested by their various elections, calls for an administration of government according with the opinions of those elected; if, for the fulfilment of that will, displacements are necessary, with whom can they so justly begin as with persons appointed in the last moments of an administration, not for its own aid, but to begin a career at the same time with their successors, by whom they had never been approved, and who would scarcely expect from them a cordial co-operation."

Here the idea is first started under our government, that a change in the administration involves the principle of a thorough change in subordinate offices — or in other words, that the great revolution in eighteen hundred meant nothing more *than to make Mr. Jefferson president that he might have it in his power to bestow offices upon his partizans.* It can imply nothing more *nor* less than this; for the administration of the government, so far as the executive branch of it is concerned, cannot depend upon the political principles or sentiments of the collectors of the customs, or any other subordinate class of ministerial office holders. The idea, therefore, that the election of a new chief magistrate calls upon the various subordinate

officers to assist in an administration according with the political opinions of that officer, as suggested in the sentence just quoted, is absurd. Such an idea cannot exist, because those officers have nothing to do with the administration of the government. Their duties are the same under all administrations; and they consist entirely and exclusively in the faithful collection of the imposts on merchandize, and the punctual payment of the money received from that source into the treasury. These duties were strictly performed by Mr. Goodrich; and, of course, he did everything which the laws required of him as a faithful officer of the government, notwithstanding the result of the election which had recently occurred, by which Mr. Jefferson had been placed at the head of that government. In what sense, then, is the expression, when speaking of Mr. Adams's appointments, from whom the new administration could not expect a cordial co-operation, to be understood? It must mean something beyond the performance of the legitimate duties of the office of collector, because those duties were strictly and punctiliously performed by that gentleman. Co-operation with the administration, then, must necessarily have intended, in Mr. Jefferson's understanding of the phrase, *services devoted to the promotion of his own personal and political interests, to the furtherance of his selfish views and projects, and the continuance of the predominance of the party of which he was the avowed and acknowledged head.* And this explanation of his language is rendered clear and indisputable by what immediately follows in this extraordinary letter. "Mr. Goodrich," he says, "was one of these"—that is, one of the persons appointed by Mr. Adams, from whom he, that is Mr. Jefferson, could not expect a cordial co-operation. And he then significantly asks—"Was it

proper for him to place himself in office *without knowing whether those whose agent he was to be would place confidence in his agency?*" Without stopping to notice the absurdity of the suggestion, that Mr. Goodrich had placed himself in office, it is of more importance to ascertain what is meant by the expression *whose agent he was to be.* It has already been remarked, that Mr. Goodrich's *lawful* business was to collect the revenue at New Haven and pay the monies received by him into the national treasury. In doing this he was *the agent of the government*, not *of the executive.* The imposts upon merchandize were laid *by congress*, not *by the executive;* and the money received from them was to pay the debts and expenses of the government, not for the profit or benefit of the executive branch of the government. Nothing, therefore, beyond the faithful collection and punctual payment of the receipts of his office could have been legitimately required of him; this was the extent of his agency: and if anything further was exacted or expected from him, it must have been intended for selfish or party purposes, and of course must have been illegally demanded. For such purposes, men of integrity, capacity and fidelity to their constitutional duties were removed from office by Mr. Jefferson, for the sole object of introducing others into their places who would become *executive agents*, possess *executive confidence*, perform *executive services*, and promote *the views and interests of an individual or a party*, instead of confining themselves and their labors to the more circumscribed and legitimate circle of *constitutional requirements.*

Who can fail to trace to this pernicious source the corrupt and disgraceful practise which, at a subsequent period, so extensively prevailed, of forcing every office-holder to become the tool of the executive branch of the government

— of the universal bestowment of offices as the price of servitude under that grasping ambitious power, and as the reward of entire and absolute devotion to the plans, political intrigues, and corrupt system of measures, of a bold and greedy party?

That Mr. Jefferson, in removing the New Haven collector and other faithful officers from their places, was actuated by no other principle or motive than those which have here been ascribed to him, is acknowledged in this letter. He remarks, that after having corrected the procedure under the former administrations, "he shall with joy *return* to that state of things, when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the constitution?" He had, then, as has been remarked, departed from that state of things; and, of course, while thus wandering from the path of duty, he must have asked a very different series of questions. What the nature of those questions was can be easily imagined. It must necessarily have been of a kind which had no reference to the constitutional duties of the executive head of the government, but such as were unknown to the constitution, and of course dangerous to the interests, the general welfare, and the constitutional liberties of the people.

If it could be necessary to place this matter in a still clearer and stronger light, reference might be had to a letter to James Monroe, dated March 7, 1801, immediately after Mr. Jefferson had been sworn into office, in which he says —

"These people," (the federalists,) "I always exclude their leaders, are now aggregated with us, they look with a certain degree of affection and confidence to the administration, ready to become attached to it, if it avoids in

the outset acts which might *revolt and throw them off.* To give time for a *perfect consolidation* seems prudent. I have firmly refused to follow the counsels of those who have desired the giving offices to some of their leaders, in order to reconcile. I have given, and will give, only to republicans under existing circumstances. But I believe with others, that deprivations of office, *if made on the ground of political principles alone*, would revolt our new converts, and give a body to leaders who now stand alone. *Some I know must be made.* They must be as few as possible, done gradually, and done on some malversation, or inherent disqualification. Where we shall draw the line between retaining all and none is not yet settled, and will not be till we get our administration together; and perhaps even then, we shall proceed *a tatons*, balancing our measures according to the impression we perceive them to make."

Is there any ground for wonder, or even surprise, that the federalists withheld their confidence from a man who entertained such sentiments as these; and from whose administration they reasonably expected such pernicious consequences as such an example, protected and supported by popular delusion, was calculated to produce — consequences which the country now realize in all their force and effect?

CHAPTER III.

Federalists opposed to Mr. Jefferson because of his known opposition to an independent Judiciary—Letter to Ritchie, December 25, 1820—To Melish, January 1813—To Nicholas, December, 1813—To Barry, July 1822—Importance of Judicial Independence—Language used by Mr. Jefferson on the subject—His opposition to Courts manifested in the prosecution of Burr—Review of Burr's alleged conspiracy, and the proceedings of the government in relation to it—More attempted to be made of it than the facts would warrant—Nothing said about it by the Executive, after the Message at the opening of the session, until January 22—Article published on the same subject in the Richmond Enquirer—Burr's arrest and trial—Correspondence relating to the trial—Attack upon Judge Marshall's character—Mr. Jefferson's objects in this affair political—Charges the Federalists with favoring Burr—Correspondence on the subject—Hostility to Judge Marshall on the ground of Burr's acquittal.

THE federalists entertained strong fears of the effects of Mr. Jefferson's influence at the head of the government, from his known hostility to an independent judiciary. Placing much reliance upon that very important branch of the government as the expounders of the constitution and the laws, and depending upon their intelligence and integrity for the establishment of the true principles of both, they viewed the absolute independence of the courts of all popular influence and control, as an indispensable characteristic of a safe and useful judiciary. The following extracts from his works will show what Mr. Jefferson's sentiments on that subject were. In a letter to Thomas Ritchie, dated December 25, 1820, he says,—

"The judiciary of the United States is the subtle corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our constitution from a co-ordination of a general and special government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim, "*Boni judicis est ampliare jurisdictionem.*" We shall see if they are bold enough to take the daring stride their five lawyers have lately taken. If they do, then, with the editor of our book in his address to the public, I will say, 'that against this every man should raise his voice,' and more, *should uplift his arm.* Who wrote this admirable address? Sound, luminous, strong, not a word too much, nor one which can be changed but for the worse. That pen should go on, lay bare these wounds of our constitution, expose these decisions *seriatim*, and arouse, as it is able, the attention of the nation to these bold speculators on its patience. Having found from experience that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life, they skulk from responsibility to public opinion, the only remaining hold on them under a practice first introduced into England by lord Mansfield. An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind by the turn of his own reasoning. A judiciary law was once reported by the attorney-general to congress, requiring each judge to deliver his opinion *seriatim* and openly, and then to give it in writing to the clerk to be entered in the record. A judiciary independent of a king or executive alone, is a good thing; *but*

independence of the will of the nation is a solecism, at least in a republican government."

In January, 1813, Mr. Jefferson, in a letter to Mr. Melish, makes use of the following language:—"The party called republican is steadily for the support of the present constitution. They obtained at its commencement *all* the amendments to it they desired. These reconciled them to it *perfectly*, and if they have any ulterior views, it is only, perhaps, *to popularize it further* by shortening the senatorial term, and *devising a process for the responsibility of judges* more practicable than that of impeachment."

In a letter to —— Nicholas, dated December 11, 1821, he says, "I fear that we are now in such another crisis, with this difference only, that *the judiciary branch is alone and single-handed in the present assaults on the constitution.* But its assaults are more sure and deadly as from an agent seemingly passive and unassuming. May you and your contemporaries meet them with the same determination and effect as your father and his did the alien and sedition laws, and preserve inviolate a constitution which, cherished in all its chastity and purity, will prove, in the end, a blessing to all the nations of the earth."

In a letter to William T. Barry, dated July 2, 1822, he says, "So also in the *civil revolution of* 1801. Very many and very meritorious were the worthy patriots who assisted in bringing back our government to its republican track. To preserve it in that will require unremitting vigilance. Whether the surrender of our opponents, their reception into our camp, their assumption of our name and apparent accession to our objects, may strengthen or weaken the genuine principles of republicanism, may be a good or an evil, is yet to be seen. I consider the party

division of whig and tory the most wholesome which can exist in any government, and well worthy of being nourished to keep out those of a more dangerous character. We already see *the power installed for life*, responsible to no authority, (for impeachment is not even a scare-crow,) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional state rights, and the removal of every check, every counterpoise, to the engulphing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose *between reformation and revolution.* If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointment of judges be for *four or six years*, and removable by the president and senate. This will bring their conduct, at regular periods, under revision and protection, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the king. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic of the first order of absurdity and inconsistency."

These were Mr. Jefferson's sentiments down almost to the close of his life; the last letter from which they have been taken was written only four years before that event. Finding in it the same general spirit of hostility to an independent judiciary, it is fair to conclude that the feeling formed a part of the constitution of his mind. As popular applause was the idol of his life, he would gladly have subjected courts to the most dangerous and most mischievous of all the great variety of influences which could assail them, viz: popular caprice and popular passion. The human mind cannot conceive a good reason for bringing courts under this species of control. When the constitution was formed, the enlightened and virtuous patriots and statesmen who framed it, and the people by whom it was afterwards adopted and established, considered the independence of that great branch of the government as an article of fundamental importance. Without a provision for that purpose there is very little probability that it would have been adopted. Without it, it would have been comparatively of but little value. But instead of intelligent, upright, independent and fearless courts, Mr. Jefferson would have subjected them to the fluctuations of popular opinion and party passion, subject to the changes of political divisions, and liable to be called to account for any and every decision which should prove to be obnoxious to the feelings of a rabble, and to be displaced from office at the demand of a mob. For these are the usual, and it may be added the only modes in which popular opinion can be formed into a court of impeachment, to arraign, try and determine on the conduct and qualifications of judges. Without an independent judiciary, where the laws will be faithfully and intelligently ex-

pounded and justice impartially and fearlessly administered, the rights and liberties of no country can be safe, but injustice, oppression and tyranny will inevitably prevail.

Such was the animosity of Mr. Jefferson to the supreme court, that in giving vent to his feelings, he makes use not merely of loose, but even contradictory expressions. He says, "the party *called republican* is steadily for the support of the present constitution. They obtained at its commencement *all the amendments to it they desired.* These *reconciled them to it perfectly*, and if they have *any ulterior views*, it is only perhaps to popularize it further by shortening the senatorial term, and devising a process for the *responsibility of the judges*, more practicable than that of impeachment." If the party called republican had obtained *all the amendments* they wished, and were *perfectly satisfied with the constitution*, it is a little remarkable that they should be desirous of amending it a little more; and especially in two such material particulars as those here mentioned.

But Mr. Jefferson's hostility to an independent judiciary, was, if possible, more strikingly manifested in the course of the judicial proceedings which were instituted against Aaron Burr, after the suppression of what at the time was called an insurrection against the government of the United States. That event, whatever was its real nature or its object, has in a good degree passed out of mind. But it may be useful, in giving these various traits of Mr. Jefferson's character, to relate some historical facts connected with it, as having a tendency to elucidate the peculiarity of his genius, and the means which he could use for the accomplishment of a favorite object.

It is well known that Burr, who during the first four years of Mr. Jefferson's administration was vice president

of the United States, was, at a subsequent period, charged by him with treasonable operations against the national government and Union. The events on which this charge was founded, occurred in the year 1806. This was considered as an object of sufficient importance to be introduced, in very general terms however, into the president's message at the opening of the session of congress of December of that year; and to form the subject of a more special communication in the month of January following. Still later in the session, Messrs. Bollman and Swartwout, who had been arrested at New Orleans as joint conspirators with Burr, were brought as state prisoners to the city of Washington, and held for sometime in custody on the charge of treason. Two other individuals, Ogden and Alexander, were also arrested at New Orleans and transported to Baltimore, as accomplices in the same offence. The two former, after being imprisoned for some time on the charge of treason, by order of the circuit court of the district of Columbia, were discharged from confinement by the supreme court of the United States, on the ground that the proof adduced of treasonable conduct was not sufficient to hold them in prison on that charge. Ogden was taken before a state magistrate at Baltimore, and discharged for the want of proof of any offence; and Alexander, who was carried to Washington, was released because no accusation was made against him. Subsequently, Burr was apprehended, taken to Richmond, in Virginia, where, after a labored trial, he was acquitted by the jury.

Thus, it happened, after the union had been kept for nearly a year in a state of fermentation, and no less than five persons had been arrested and transported, either by land or by water, many hundreds of miles, accused of treason, while the public feelings were kept for a long pe-

riod in a state of impassioned excitement, the very extraordinary circumstance took place, notwithstanding the most unwearied exertions of the executive branch of the government to subject the persons accused to the penalties of the law, that not a single individual was ever convicted of any offence, of any description, connected with this alleged conspiracy against the liberties of the country.

That much more was attempted to be made out of it than the truth would warrant is evident from the facts that have just been mentioned. That Mr. Jefferson was actuated by other motives than a mere regard to the safety of the union and the constitution can hardly be questioned, now the parties and the policy which were involved in the controversy have passed away. That he had in this, and in all other cases, a higher regard to his own feelings and interests than to those of his country and its government, does not admit of a reasonable doubt. The following document, though in form unofficial, may be considered as having proceeded from executive authority. It was published at Richmond on the same day that the president's message respecting " Burr's conspiracy " was delivered to the house of representatives at Washington. That the proceedings of that department in regard to this subject were calculated for political effect cannot be doubted. That the arrests which have been mentioned were planned beforehand, and were intended to produce or at least to heighten the general impression expected from the " conspiracy," will satisfactorily appear from what follows.

After the delivery of the message at the opening of the session of congress in December, 1806, no information of any moment was communicated to congress from the executive on that subject, until late in the month of January following. At the same time, rumors were in constant

circulation at the seat of government respecting the progress of the conspirators and the formidable nature of the conspiracy. At length, on the 16th of January, a resolution was adopted by the house of representatives, by a vote of 109 to 14, calling upon the president for information respecting the alleged combination against the peace and safety of the Union. The minority of fourteen was composed exclusively of the devoted friends and partizans of the administration. On the 22d of January, a message containing, professedly, a historical account of Burr's proceedings, from their commencement to the date of the message, so far as the executive thought it proper to disclose them, was sent to the house of representatives. On the same day an article was published in a newspaper, called the *Enquirer*, at Richmond, Virginia, which is recited at length herein, as tending to disclose some facts not generally known relating to this "insurrection." Everything of any importance in the official message to the house of representatives is to be found in this article, and some very material ones in the latter which are not contained in the former. This will convince every mind that the newspaper document proceeded from the cabinet; and the facts stated in it will probably satisfy most people, that personal feelings and politics were intimately connected with Mr. Jefferson's conduct in relation to this famed transaction.

[*From the Richmond Enquirer, Jan.* 22, 1807.]

"BURR'S CONSPIRACY. The following letter casts more *pure* light upon the conspiracy of Aaron Burr, than any communication which has yet been published. It is derived from the same '*high authority*' as the letter which appeared two weeks since in the Enquirer, on the same subject."

"WASHINGTON, Jan. 15, 1807.

"I hasten to communicate to you the information brought from Kentucky and New Orleans by a mail which arrived here yesterday. It has taken me half a day to collect from the different persons who have received letters, the intelligence contained in them. I shall not take time to digest it into any order, but I am satisfied I need not hesitate to rely on the interest it will excite.

"There is no account of any seizures having been made upon the Ohio, since that of the Muskingum flotilla, nor can it be said with certainty that the boats under Blannerhasset and Tyler, which left the neighborhood of Marietta with great precipitance upon the first alarm given them by the government of Ohio, have not passed Cincinnati, notwithstanding the prompt and decisive measures taken by governor Tiffin to intercept them there, and completely effected their escape from that state. Mr. Graham, after having given the information he had collected to the legislature of Ohio, which received him and then closed its doors, and after having witnessed the prompt and vigorous measures, both legislative and executive, which his disclosures produced, immediately repaired to Kentucky, the legislature of which state was in session at his arrival. He was admitted to a private meeting of that body, to which he made the same discoveries. The same measures followed with equal zeal and dispatch. Precisely the same law passed without delay, and parties of militia were immediately ordered to Louisville, to the mouth of Tradewater, and the mouth of Cumberland river and Tennessee, for the purpose of stopping and detaining all boats and all persons passing downwards. The militia moved with alacrity, and the loyalty of the state became at once as it was before asserted by its representatives here to be steady

and strong. Nothing of the operations of these parties has yet reached this place.

"The name of Graham being mentioned, it is requisite to give you some information about that person. He is the same who was formerly secretary of legation to Spain, and is now secretary to the territorial government of Orleans. Being accidentally in this place during the first days of November last, he received from the executive, which had full confidence in his integrity, discretion and constancy, private instructions, with a secret authority and credentials, to follow the footsteps of colonel Burr and his leading partizans, to notice their measures, to endeavor to discover their views, and if possible, to get full possession of their plan of operations. Such was his prudence and dexterity that he was never suspected, and overtures were even made to him by Blannerhasset and others to join them in the scheme. The result of his labors and the substance of his communication to the legislatures of Ohio and Kentucky is, that the armament was destined in the first place against New Orleans, the wealth of which was to be seized and made use of to allure adventurers from all parts for an expedition against Mexico, which colonel Burr hoped to overrun, and by the influence of the gold and silver he would acquire over the needy and the bold in the United States, in the islands, and in the country of Mexico itself, effectually to subdue and finally to convert it into a kingdom for himself.

"The success of the freebooters in their repeated incursions into the wealthier parts of the Spanish territories, on either side of the Isthmus, about the close of the seventeenth century, was sufficient to inspire with such a design a mind so daring, so lofty, and so desperate as that of colonel Burr. He no doubt believed, that if Morgan had

been such a man as himself, he would never have quitted Panama, but would have extended and organized his conquests, and established a Welch dynasty in the richest country in America.

"That this was his ultimate design, and was the real line to his followers, there can be no question. In order to mask the grand scheme, he assumed several lesser plans, which were perhaps altogether feigned. He held out to the partizans of Spain, that his view was to restore Louisiana to its ancient proprietors, and he had commenced a deep intrigue upon the Missouri, to alienate the people of that territory from the United States of which there is proof in a deposition of the sheriff of St. Charles, transmitted to me by a friend in that country, and now in my possession.

"He assured the people of the Ohio river, when he did not expect to engage them in his service, that his design was to colonize the tract of country twenty-five miles square upon the Washita and Red river, which had been granted by a Spanish governor to a German in the Spanish service, and had been purchased, he said, by himself in partnership with others. He observed that the persons he had engaged were bound to perform military service, because war with Spain was inevitable. That he had for that reason directed them to leave behind for one year, all their female connections, and had prepared arms and military stores, with provisions for a length of time, in order to be ready to bring a strong auxiliary force into the field in behalf of his country if occasion should require. He gave the most solemn assurances, of which there is written proof in possession of a gentleman lately appointed to the senate from Kentucky, that his scheme was viewed with the greatest satisfaction by the executive government of the United States, because it resembled their

favorite plan of creating a military colony upon the south-western frontier, by giving a bounty in lands to able bodied men who would settle immediately, and engage to perform military service for so many years; which plan the legislature had not sanctioned.

"This he used with some effect, but sacrificed forever, his former reputation for veracity, which with the world has been unimpaired until now, although it is now said, it was long ago blasted with his acquaintance.

"I do not hesitate to pronounce, that his designs are completely frustrated. Should that part of his flotilla, which once escaped governor Tiffin, have continued fortunate in escaping him again at Cincinnati, and in passing the Kentucky militia; should the boats built upon the Cumberland river, and the Tennessee, be lucky enough to form a junction with it, and the whole proceed down the Mississippi, and all this is rendered too probable by the date of events and the discontinuance of the accounts of seizures, still their capture is certain.

"By letters from New Orleans, as late as the 9th of December, which arrived yesterday, accounts are brought of the exertions of general Wilkinson and governor Claiborne, to prepare for the defence of that place against attacks from the side of the sea, not the river.

"All the gun vessels of the United States in that quarter were in the river, and were advancing up it.

"The regular army of the United States had returned again to the Mississippi, and had arrived in New Orleans.

"The militia of that city were in motion.

"The French inhabitants had displayed a zeal and spirit in their loyalty which renders them worthy of their new country.

"General Wilkinson and governor Claiborne had con-

vened the merchants of New Orleans, in full assembly. The former, in an animated address, after denouncing colonel Burr, exhorted them to assist him in his efforts for the defence of their city, and solemnly swore, in the enthusiastic style peculiar to him, that if it were taken by the vessels he would perish in the endeavor to repel the assault. The meeting adopted, unanimously, some spirited and patriotic resolutions.

"The governor was requested by those who would be the first sufferers by the measure, to lay an embargo immediately, which he did without hesitation.

"A considerable sum was subscribed to be distributed as bounty among the sailors who would engage to serve on board the ships.

"Many of the guns of the city were placed upon the merchantmen in the river, and a respectable fleet was suddenly formed to repel *one which was expected from the West Indies.*

"*It is by no means certain that there is any ground at all for this apprehension.* Colonel Burr, when he made proposals to general Wilkinson to join in the scheme, assured him that the late commodore Truxton was in Jamaica collecting a fleet to meet them at the mouth of the Mississippi. This is one of the numerous dishonorable falsehoods of that deluded man. Truxton had too much regard for his former reputation, and too much honor to engage in this affair. He communicated at once the proposals made to him, and remains still on his farm, near Amboy in Jersey.

"Perhaps the falsehood may extend no farther than the name of Truxton, and some of Miranda's vessels may be expected, but more probably the whole is false.

"Colonel Burr, by the last accounts, was still at the

house of general Jackson, in Tennessee, who entertained him without the smallest suspicion of his treasonable conduct.

"A pilot boat has been lately despatched from New York; it is conjectured to meet him somewhere on the coast of Florida and take him off. Information of the sailing of this boat has been forwarded to general Wilkinson. I am inclined, myself, to think that he will not go to the coast lest he should be apprehended by the Spaniards. He cannot venture to New Orleans, for he must have learned of the arrest of his accomplices by general Wilkinson, which was to have taken place about the 12th of December, soon after which they were to be shipped for this place.

"Those men on the 9th remained still ignorant that they were to be apprehended as traitors, and thought themselves safe in having separated so early from their chief, although they had acted under his authority in descending the river. I am disposed to conjecture that colonel Burr will endeavor to meet such of his boats as may have escaped somewhere on the Mississippi, above general Wilkinson's advanced party, and will place himself in the centre of baron Bastrop's grant, with the view to maintain boldly that he never had any other scheme in agitation.

"Should this be his resolution it will be extremely difficult for justice to pursue him with effect through all his wily doublings. When he has conversed upon the subject of his expedition, he has been so artful in blending all his different plans together, that it is not probable *he has committed himself in discourses so fully as to produce his own conviction.* When he has written without disguising

his matter, he has always used cyphers. Unless some of his accomplices will confess, it will be doubtful how the trial will terminate.

"There is no certainty yet as to the source from which he has derived his funds. My own conjecture rests where it did from the commencement, upon the late Spanish ambassador, as to the largest portion of them; upon the force of party zeal in certain characters, and upon individual resentment and desire of revenge, perhaps, for some small aids in addition.

"I have no time to make observations, or I should take pleasure in expatiating upon the value of this glorious example of rebellion, suppressed without expense of blood or treasure, in strengthening the affection and confidence of the friends of our republican system, and in lessening the distrust of others."

Having succeeded in arresting Burr, and bringing him for trial within reach of executive exertion and influence, every effort that human ingenuity could devise, or a spirit of vindictive resentment could make use of to insure a conviction, was brought into exercise. The well-known and universally acknowledged principles of law regulating trials for criminal offences, were spurned and scouted by Mr. Jefferson; chief-justice Marshall having thought proper to apply those principles to the case of this state-prisoner, was reviled and calumniated in a coarse and ungentlemanly manner by the chief magistrate of the nation. These facts will abundantly appear from a steady and animated correspondence which Mr. Jefferson kept up with the prosecuting attorney for the district of Virginia, during Burr's confinement and trial. The following extracts will show the great length to which he suffered himself to be carried by his feelings in relation to this subject.

In a letter to William B. Giles, dated April 20, 1807, Mr. Jefferson says — "That there should be anxiety and doubt in the public mind in the present defective state of the proof, is not wonderful; and this has been sedulously encouraged by *the tricks of the judges* to force trials before it is possible to collect the evidence, dispersed *through a line of two thousand miles from Maine to Orleans.*"

"The first ground of complaint was the supine inattention of the administration to a treason stalking through the land in open day. The present one, that they have crushed it before it was ripe for execution, so that no overt acts can be produced. This last may be true; though I believe it is not. Our information having been chiefly by way of letter, we do not know of a certainty yet what will be proved. We have set on foot an inquiry through the whole of the country which has been the scene of these transactions, to be able to prove to the courts, if they will give time, or to the public by way of communication to congress what the real facts have been. For obtaining this, we are obliged to appeal to the patriotism of particular persons in different places, of whom we have requested to make the inquiry in their neighborhood, and on such information as shall be voluntarily offered. Aided by no process or facilities from the *federal* courts, but frowned on by their new-born zeal for the liberty of those whom we would not permit to overthrow the liberties of their country, we can expect no revealments from the accomplices of the chief offender. Of treasonable intentions, the judges have been obliged to confess there is probable appearance. What loop-hole they will find in the case when it comes to trial, we cannot foresee. Eaton, Stoddart, Wilkinson, and two others whom I must not name, will satisfy the world, if not the judges, of Burr's guilt."

"But a moment's calculation will show that this evidence cannot be collected under four months, probably five, from the moment of deciding when and where the trial shall be. I desired Mr. Rodney expressly to inform the chief justice of this, inofficially. But Mr. Marshall says, 'more than five weeks have elapsed since the opinion of the supreme court has declared the necessity of proving the overt acts, if they exist. Why are they not proved?' In what terms of decency can we speak of this? As if an express could go to Natchez or the mouth of Cumberland and return in five weeks, to do which has never taken less than twelve. Again, 'If, in November or December last, a body of troops had been assembled on the Ohio, it is impossible to suppose the affidavits establishing the fact could not have been obtained by the last of March.' But I ask the judge where they should have been lodged? At Frankfort? at Cincinnati? at Nashville? St. Louis? Natchez? New Orleans? These were the probable places of apprehension and examination. It was not known at *Washington* until the 26th of March, that Burr would escape from the western tribunals, be retaken, and brought to an eastern one: and in five days after (neither five months nor five weeks as the judge calculated) he says, it is 'impossible to suppose the affidavits could not have been obtained.' Where? At Richmond he certainly meant, or meant only to throw dust in the eyes of his audience. But all the principles of law are to be perverted which could bear on the favorite offenders, who endeavor to overturn this odious republic. 'I understand,' says the judge, '*probable* cause of guilt to be a case made out by *proof*, furnishing good reason to believe,' &c. Speaking as a lawyer, he must mean legal proof, i. e. proof on oath, at least. But this is confounding *probability* and

proof. We had always before understood that where there was reasonable ground to believe guilt, the offender must be put on his trial. That guilty intentions were probable, the judge believed. And as to the overt acts, were not the bundle of letters of information in Mr. Rodney's hands, the letters and facts published in the newspapers, Burr's flight, and the universal belief or rumor of his guilt, probable ground for presuming the facts of enlistment, military guard, rendezvous, threat of civil war or capitulation, so as to put him on trial? Is there a candid man in the United States who does not believe some one if not all of these overt acts to have taken place?

"If there ever had been an instance in this or the preceding administrations, of *federal judges so applying principles of law as to condemn a federal or acquit a republican offender*, I should have judged them in the present case with more charity. *All this, however, will work well.* The nation will judge both the offender and judges for themselves. If a member of the executive or legislature does wrong, the day is never far distant when the people will remove him. They will see then, and amend the error in our constitution which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two, and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the constitution, and are themselves protected in it by the constitution itself: for impeachment is a farce which will not be tried again. If their protection of Burr produces this amendment, it will do more good than his condemnation would have done."

The attack here made upon judge Marshall, who tried

Burr, appears to be upon the alleged charge, that he hurried the trial on before the government had a fair opportunity to make the necessary preparation; and the suggestion is clearly made that this proceeded from a disposition to screen him from justice. That Mr. Jefferson was desirous not only of punishing, but of crushing the man who was his competitor for the office of president, before the house of representatives, is very apparent. That he wished to turn the case not only against the court, but against the federalists, is equally clear. And vindictive as his feelings towards Burr obviously were, there is no room to doubt that he was quite as anxious for the political effect which he was endeavoring to produce, as he was that justice should be faithfully administered.

The truth undoubtedly was, that he had taken up Burr more upon the ground of suspicion than on that of substantial proof, and he was irritated at the course pursued by the court in applying the plain principles of law to his case, as would have been done in that of an ordinary individual brought within the jurisdiction of the court for trial for a criminal offence. He says the information he had received was chiefly by way of letter, and that he did not know to a certainty what would be proved — that he had set on foot an inquiry through the whole scene of Burr's transactions, in order to prove to the courts if they would give time, or to congress and the public if they would not, what the real facts had been. It is then perfectly clear, in the first place, that he had not procured his proofs, and in the second, that he did not even know what facts had occurred which he could charge against the accused. Can any man wonder that judge Marshall did not think proper to put off the trial, and hold the prisoner in custody for four months, which is the shortest period

mentioned by Mr. Jefferson as necessary to ascertain the facts and collect the evidence to support them, merely to give him time to make out and support the charges? Mr. Jefferson was bred a lawyer; and he need not have gained anything more than a very moderate degree of acquaintance with the principles of law and the practice of courts to have ascertained that no court could have postponed a trial on such grounds as were urged by him. No man is justified in bringing any person before even a grand-jury, much more before a court, without having previously ascertained that at least an offence had been committed, and that witnesses to prove it could be obtained. If these witnesses could not be produced at the outset, proof of their absence or other sufficient cause for their not being present must be adduced, in which their names must be specified and the importance of their testimony be regularly sworn to. But no well regulated tribunal ever postponed a trial, and held a culprit in prison in the mean time, in order to give the prosecutor time and opportunity to scour a thousand or two miles of country to hunt up grounds of accusation and evidence to substantiate them.

The truth unquestionably was in this case, as in all others susceptible of such a direction, he wished so to conduct the controversy with Burr, both in the country and in the court, as to produce a political effect beneficial to himself and his party views and interests. He had set on foot an inquiry in order to prove facts not only to the courts, but *to the public*, through the medium of communications to congress. In doing this, he complains not only of not being aided by process or facilities from the federal courts, but of being frowned upon by the new-born zeal of those courts for the liberty of those whom *he would not suffer to*

overthrow the liberties of their country. A more unfounded and malicious charge was never alleged or insinuated against any man, much more against as upright, intelligent and virtuous a judge as ever adorned the bench of justice. Not content with this, he proceeds to make a specific charge against judge Marshall. "But," says he, "all the principles of law are to be perverted which would bear on the favorite offenders who endeavor to overturn this odious republic."

Conscious of the grossness of his charges against the chief justice, he endeavors by a suggestion equally gross to justify himself by a reference to the previous conduct of the court. "If," says he, "there had ever been an instance, in this or the preceding administrations, of federal judges so applying principles of law as to condemn a federal or acquit a republican offender, I should have judged them in the present case with more charity. *All this, however, will work well.*" There is some consolation, under all these trials of his patience, patriotism and love of justice, that this perversion of law and contempt of justice, will produce a good effect upon party politics — for that is the obvious meaning of the expression, "All this will work well."

And to leave no doubt upon any mind that this construction of his language is correct, the following extract from the same letter is adduced as evidence. "The federalists, too, give all their aid, *making Burr's cause their own*, mortified only that he did not separate the union or overturn the government, and proving that had he had a little dawn of success they would have joined him to introduce his object, their favorite monarchy, as they would any other enemy, foreign or domestic, who could rid them

of this hateful republic for any other government in exchange."

The same accusation is contained in a letter addressed to James Bowdoin, April 2, 1807. He says, "The fact is, that the federalists make Burr's cause their own, and exert their whole influence to shield him from punishment, as they did the adherents of Miranda. And it is unfortunate that federalism is still predominant in our judiciary department, which is consequently in opposition to the legislative and executive branches, and is able to baffle their measures often."

These charges against the federalists, it will be observed, are contained in private letters to Mr. Jefferson's confidential friends, and of course we are to conclude were not intended to see the light; and in all probability they were never exposed to the public until they appeared in his posthumous volumes. It is not probable that he credited his own declarations, because there was no evidence laid before the country at the time, nor has there been since, which gave the last color to them. They were, beyond all question, unfounded and false. The federalists never had any political connection with Aaron Burr. When the question whether he or Mr. Jefferson should be president of the United States came before the house of representatives, a choice of evils was presented to that body. They had very little confidence in the character or patriotism of either; but they preferred Burr to Jefferson. And this probably was the source of this extreme animosity towards them; for it is one of the remarkable traits of his character, that he never forgave the man who endeavored to check him in the career of ambition. In a letter to Dr. Logan, dated May 11, 1805, is the following passage:—"I see with infinite

pain the bloody schism which has taken place among our friends in Pennsylvania and New York, and will probably take place in other states. The main body of both sections mean well, but their good intentions will produce a great public evil. The minority, whichever section shall be the minority, will end in coalition with the federalists and some compromising of principle; because these will not sell their aid for nothing. Republicanism will thus lose, and royalism gain some portion of that ground which we thought we had rescued to good government. I do not express my sense of our misfortunes from any idea that they are remediable. I know that the passions of men will take their course, that they are not to be controlled but by despotism, and that this melancholy truth is the pretext for despotism. The duty of an upright administration is to pursue its course steadily, to know nothing of these family dissensions, and to cherish the good principles of both parties. The war *ad internecionem*, [the war of extirmination,] which we have waged against federalism, has filled our latter times with strife and unhappiness. We have met it with pain, indeed, but with firmness, because we believed it the last convulsive effort of that hydra which we had conquered in the field."

In a letter to George Hay, district-attorney, who was carrying on the prosecution against Burr, dated June 20, 1807, Mr. Jefferson says, "I did not see till last night the opinion of the judge on the *subpœna duces tecum* against the president. Considering the question there as *coram non judia*, I did not read his argument with much attention. Yet I saw readily enough that, as is usual where an opinion is to be supported, *right or wrong*, he dwells much on smaller objections and passes over those which are solid. Laying down the position generally that all

persons owe obedience to subpœnas, he admits no exception unless it can be produced in his law books."

In another letter to the same person, dated Sept. 7, 1807, after Burr's acquittal, he says, "I am happy in having the benefit of Mr. Madison's counsel on this occasion, he happening now to be with me. We are both strongly of opinion that the prosecution against Burr for misdemeanor should proceed at Richmond. If defeated, *it will heap coals of fire on the head of the judge.*"

It is apparent from these extracts, and particularly from the closing sentence in the last, that Mr. Jefferson not only experienced feelings of disappointment and extreme mortification at Burr's acquittal, but of much deeper resentment towards the great judge before whom he was tried. Judge Marshall supported through a long life the highest reputation for learning, talents, integrity and independence of mind. He was an ornament to the bench, and an honor to his country; and his character will be had in the most honorable remembrance, not only by all the upright and virtuous inhabitants of this country, but throughout the civilized world, when those who vilified him in the administration of justice will be forgotten, or recollected only to be contemned and despised. On the head of such a man Mr. Jefferson wished, merely for the gratification of his vindictive spirit towards a man who had escaped his vengeance as well as the penalty of the law, to heap coals of fire. In another letter to Mr. Hay, he says, "Those whole proceedings, (in Burr's trial,) will be laid before congress, that they may decide whether the defect has been in the evidence of guilt, or in the law, or *in the application of the law*, and that *they may provide the proper remedy for the past and the future.*" Here there is undoubtedly a broad hint at an impeachment of

the chief justice, for a wilful perversion of the law for the purpose of preventing Burr's conviction.

Much more might be adduced on this subject; but here is abundant evidence that the opinions which the federalists entertained respecting Mr. Jefferson's hostility to an independent judiciary were well founded and just. In their estimation, this was one of the great fundamental principles of the constitution, without which it would hardly have been worth the formality of adoption; and with such feelings and such sentiments, they could not fail of being opposed to the elevation of a person to the office of chief magistrate whose sentiments were so much at variance with their own, and whose influence in regard to the proper constitutional standing and weight of the court they had every reason to believe would be exerted for the most mischievous and dangerous purposes.

They also contain abundant evidence of his dislike of courts, and particularly of a judiciary so independent as that neither executive frowns, nor popular passion or favor, could have any influence over its official conduct. This was precisely the situation in which those who formed and those who adopted the constitution intended it should be placed. Mr. Jefferson's hostility to this part of that instrument obviously was that it would place one branch of the government out of his reach and beyond his control. He was not at all satisfied with the power of impeachment as the means of securing that good behavior which was the tenure of judicial office. He calls it a fasce, a mere scare-crow, totally inefficacious to keep the courts within the scope of popular influence, or what he calls responsibility to the people.

But a stronger objection, in his mind, lay against the court itself. This was, its federalism. If the judges, un-

der the influence of federalism or any other feeling or principle, had perverted justice or sanctioned a violation of law, they would have been justly liable to an impeachment; and if charges of that description had been proved and substantiated, the senate, as constituted during his administration, would have sustained it. But his objection to the conduct of judge Marshall in the trial of Burr was not that he did not regard the law, but, in reality, that he did. In his letter to Giles, he says, "That there should be anxiety and doubt in the public mind in the present *defective state of the proof*, is not wonderful; and this has been sedulously encouraged by the *tricks of the judge* to force trials before it is possible to collect the evidence dispersed through a line of two thousand miles, from Maine to Orleans." "Our information having been chiefly by way of letter, we do not know of a certainty yet what will be proved. We have set on foot an inquiry through the whole of the country which has been the scene of these transactions, to be able to prove to the courts, if they will give time, or to the public by way of communication to congress, what the real facts have been."

From this passage, it is apparent that he had a prisoner in custody charged with the highest crime known to the law, not only without evidence to prove his guilt but even to establish the preliminary fact that the crime had been committed. And he was angry with judge Marshall that he would not pervert the plain principles of law and the practice of courts, by retaining the person accused in prison until he could scour the country for proof to make out his case. And to show the extreme looseness of his sentiments on the subject of criminal justice, in answer to a remark from the bench that probable cause of guilt must

be made out by proof, he says, "That guilty intentions were probable the judge believed. And as to the overt acts, were not the bundle of letters of information in Mr. Rodney's hands, the letters and facts published in the newspapers, Burr's flight, and the universal belief or rumor of his guilt, probable ground for presuming the facts of enlistment, military guard?" &c.

CHAPTER IV.

Federalists opposed Mr. Jefferson on the ground of his unsound and dangerous opinions respecting the constitution—Correspondence with Mrs. Adams—Friendship for Mr. Adams—Paying Callendar—His acquaintance with Callendar—Discharge of persons convicted under the sedition law, because he conceived the law a nullity—His sentiments respecting the power of the executive to decide on the constitutionality of laws. The executive and judicial powers equal in this case—The sincerity of Mr. Jefferson's professions of friendship for Mr. Adams—Publication of Paine's Rights of Man—Mr. Jefferson's letter to general Washington in relation to it.

THE federalists viewed Mr. Jefferson as entertaining loose and dangerous opinions respecting the principles and authority of the constitution of the United States, and that he would, in any peculiar exigency, give it such a construction as would make it answer his own purposes. During the administration of the senior president Adams, many of the measures of the government were particularly odious to Mr. Jefferson and his party. Such feelings very naturally produced a coolness, if not something more, between these two high officers of the government. In the year 1804, Mrs. Adams addressed a letter of condolence to Mr. Jefferson on the death of his daughter, which drew from him an answer, in which, with a degree of skill and dexterity that no other man could practice, he paved the way for a reconciliation between the two rival dignitaries; in which attempt he ultimately succeeded. Mr. Adams, with strong powers of mind and great pride of character,

was not proof against flattery; and Mr. Jefferson, who understood his character well, knew where to apply its power in such a manner as to secure his object. In his answer to Mrs. Adams, which is dated June 13, 1804, after noticing the particular object of her letter, he says—

"Mr. Adams's friendship and mine began at an earlier date. It accompanied us through long and important scenes. The different conclusions we had drawn from our political reading and reflections were not permitted to lessen mutual esteem; each party being conscious they were the result of an honest conviction in the other. Like differences of opinion existing among our fellow citizens, attached them to the one or the other of us, and produced a rivalship in their minds which did not exist in ours. We never stood in one another's way. For if either had been withdrawn at any time, his favorers would not have gone over to the other, but would have sought for some one of homogeneous opinions. This consideration was sufficient to keep down all jealousy between us, and to guard our friendship from any disturbance by sentiments of rivalship; and I can say with truth, that *one act of Mr. Adams's life, and one only, ever gave me a moment's personal displeasure.* I did consider his last appointments to office as personally unkind. They were from among my most ardent political enemies, from whom no faithful co-operation could ever be expected; and laid me under the embarrassment of acting through men whose views were to defeat mine, or to encounter the odium of putting others in their places. It seems but common justice to leave a successor free to act by *instruments* of his own choice. If my respect for him did not permit me to ascribe the whole blame to the influence of others, it left something for friendship to forgive, and after brooding over it for some little time,

and not always resisting the expression of it, I forgave it cordially, and returned to the same state of esteem and respect for him which had so long subsisted. Having come into life a little later than Mr. Adams, his career has preceded mine, as mine is followed by some other; and it will probably be closed at the same distance after him which time originally placed between us. I maintain for him, and shall carry into private life, a uniform and high measure of respect and good will, and for yourself a sincere attachment."

On the 22d of July, 1822, Mr. Jefferson wrote a second letter to Mrs. Adams, acknowledging the receipt of one from her, in which it would seem, she had complained of his extending his favors to some worthless foreigners who were then in the country, and engaged in writing against him and his administration. Among them was a man of the name of Callendar, a British subject, who was obliged to leave his own country to avoid prosecution for seditious publications against its government. Taking shelter here, which had unfortunately been considered as "a refuge for oppressed humanity" from other parts of the world, he had resumed his former employment, and was writing against our government. The fact that Mr. Jefferson had contributed a sum of money for the relief of this political vagabond had leaked out, and it would seem by his letter to Mrs. Adams, it had been mentioned in her letter to him, probably as evidence of his unfriendly feelings towards Mr. Adams. In answer to her, he says—

"Your favor of the first instant was duly received, and I would not again have intruded on you but to rectify certain facts which seem not to have been presented to you under their true aspect. My charities to Callendar are considered as rewards for his calumnies. As early, I

think, as 1796, I was told in Philadelphia that Callendar, the author of the 'Political Progress of Britain,' was in that city, a fugitive from persecution for having written that book, and in distress. I had read and approved the book. I considered him as a man of genius, unjustly persecuted. I knew nothing of his private character, and immediately expressed my readiness to contribute to his relief and to serve him. It was a considerable time after that, on application from a person who thought of him as I did, I contributed to his relief, and afterwards repeated the contribution. Himself I did not see until long after, nor ever more than two or three times. When he first began to write, he told some useful truths in his coarse way; but nobody sooner disapproved of his writing than I did, or wished more that he would be silent. My charities to him were no more meant as encouragements to his scurrilities, than those I give the beggar at my door are meant as rewards for the vices of his life and to make them chargeable to myself. In truth, they would have been greater to him had he never written a word after the work for which he fled from Britain. With respect to the calumnies and falsehoods which writers and printers at large published against Mr. Adams, I was as far from stooping to any concern or approbation of them as Mr. Adams was respecting those of Porcupine, Fenno, or Russell, who published volumes against me for every sentence vended by their opponents against Mr. Adams. But I never supposed Mr. Adams had any participation in the atrocities of these editors, or their writers. I knew myself incapable of that base warfare, and believed him to be so. On the contrary, whatever I may have thought of the acts of the administration of that day, I have ever borne testimony to Mr. Adams's personal worth; nor was it ever im-

peached in my presence without a just vindication of it on my part. I never supposed that any person who knew either of us could believe that either of us meddled in that dirty work. But another fact is, that I 'liberated a wretch who was suffering for a libel against Mr. Adams.' I do not know who was the particular wretch alluded to; but I discharged every person under punishment or prosecution under the sedition law, because I considered and now consider that law to be a nullity as absolute and as palpable as if congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage, as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship the image. It was accordingly done in every instance, without asking what the offenders had done, or against whom they had offended, but whether the pains they were suffering were inflicted under the pretended sedition law. It was certainly possible that my motives for contributing to the relief of Callendar, and liberating sufferers under the sedition law, might have been to protect, encourage and reward slander; but they may also have been those which inspire ordinary charities to objects of distress, meritorious or not, or the obligation of an oath to protect the constitution violated by an unauthorized act of congress. Which of these were my motives must be decided by a regard to the general tenor of my life. On this I am not afraid to appeal to the nation at large, to posterity, and still less to that Being who sees himself our motives, who will judge us from his own knowledge of them, and not on the testimony of Porcupine or Fenno."

These letters have been copied in order that the principles advanced in a third epistle to the same lady, dated

September 11, 1804, may be more fully understood. In the following extract from the last mentioned letter will be found sentiments of a most extravagant description respecting the powers of the executive branch of the government over the judiciary; and at the same time, the origin of those advanced at a subsequent period by Andrew Jackson, when claiming a similar authority over the same branch of the government, may be distinctly traced.

"You seem to think it devolved on the judges to decide on the validity of the sedition law. But nothing in the constitution has given them a right to *decide for the executive*, more than to *the executive to decide for them.* Both magistracies are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment; because the power was placed in their hands by the constitution. But the executive, believing the law to be unconstitutional, were bound to remit the execution of it; because that power had been confided to them by the constitution. That instrument meant that its co-ordinate branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but *for the legislature and executive also in their spheres, would make the judiciary a despotic branch.*"

This principle of construction, when carried into practical effect, proceeds very far towards the destruction of the independence of the judiciary. According to this doctrine in all cases to which it applies, the co-ordinate doctrine, as here laid down, goes the length of determining that the executive, whenever it differs in opinion from the courts on a constitutional question, may interpose its par-

doning power if the case happens to be of a kind which admits of its application; or if not, to withhold its aid in carrying the sentence of the court into execution, and thus to annihilate the co-ordinate power of the judiciary. Such a construction is not only highly mischievous in its tendency and consequences, but it is a gross slander upon the convention who formed the constitution and the generation of men by whom it was adopted. If once established as the rule of conduct, it must necessarily show that both the convention and the people fell into the gross error of providing, in their constitution, different branches of government of such equal powers that one would be able entirely to prevent another from performing its appropriate duties. Such, however, was Mr. Jefferson's dislike to courts, such an inconvenience was an independent judiciary to him in the prosecution of his wild Utopian system of republicanism, as well as his schemes of personal ambition, that, rather than be constantly embarrassed by a co-ordinate authority, established for the very purpose of keeping the proceedings of the other branches within the boundaries of the constitution, he would plunge into such a fatal absurdity in order to relieve himself from the incumbrance of judicial restraint.

The friends of Mr. Adams, and, indeed, the community at large, were surprised to find the intimacy which had once subsisted between him and Mr. Jefferson, but which had been interrupted by the political occurrences they were obliged to encounter under the national government, renewed towards the close of their lives. In the year 1812, a correspondence commenced between them, and on Mr. Jefferson's part, at least, it was prosecuted with a good degree of vigor; for in the fourth volume of his posthumous works there are nearly thirty letters from him

to Mr. Adams. Those who are acquainted with the peculiar structure of that gentleman's mind will not be surprised to find that he was flattered into a renewal of their former intimacy. As a specimen of Mr. Jefferson's ingenuity and skill in managing a case of this kind, and as additional proof of the art and address used by him in his letters to Mrs. Adams, the following passages of a letter from him to Mr. Adams, dated January 21, 1812, are adduced: —

"A letter from you calls up recollections very dear to my mind. It carries me back to the times when, beset with difficulties and dangers, we were fellow laborers in the same cause, struggling for what is most valuable to man, his right of self-government. Laboring always at the same oar, with some wave ever ahead threatening to overwhelm us and yet passing harmless under our bark, we knew not how, we rode through the storm with heart and hand and made a happy port."

"Of the signers of the Declaration of Independence, I see now living not more than half a dozen on your side of the Potomac, and on this side myself alone. You and I have been wonderfully spared, and myself with remarkable health and a considerable activity of body and mind. I am on horseback three or four hours of every day; visit three or four times a year a possession I have ninety miles distant, performing the winter journey on horseback. I walk little, however, a single mile being too much for me; and I live in the midst of my grandchildren, one of whom has lately promoted me to be a great grandfather. I have heard with pleasure that you also retain good health, and a greater power of exercise in walking than I do. But I would rather have heard this from yourself; and that writing a letter like mine, full of egotisms and of details of

your health, your habits, occupations and enjoyments, I should have the pleasure of knowing that, in the race of life, you do not keep in its physical decline the same distance ahead of me which you have done in political honors and achievements. No circumstances have lessened the interest I feel in these particulars respecting yourself; none have suspended for one moment my sincere esteem for you, and I now salute you with unchanged affection and respect."

The same show of friendly feeling and regard runs through the series of letters, and was continued until within three years of the time of their death. At the period of this renewed correspondence, Mr. Jefferson had no feelings of rivalship to indulge, nor any fears of being disappointed in his projects of ambition. His anxiety respected the future; and he was obviously much engaged in laying up materials for his own history. A reconciliation with such a man as Mr. Adams was, doubtless, an object of importance in his view of the subject; and it was accomplished in the manner that has been stated.

In order to form a just estimate of Mr. Jefferson's sincerity in making these ardent professions of esteem and friendship for Mr. Adams, it will be proper to advert to an earlier expression of his feelings towards him.

Early in the year 1791, the first part of Paine's Rights of Man was published in England, and a copy having been received in this country, it was republished in Philadelphia. Prefixed to it was a recommendatory note from Mr. Jefferson to the publisher, addressed by the former to the latter. As this note alluded to a series of articles written by Mr. Adams, and published in the newspapers, which were spoken of by Mr. Jefferson as containing political heresies, and the reference was of such a nature and in

such terms as were calculated to wound Mr. Adams's feelings, Mr. Jefferson thought it expedient to write an account of his agency in the matter to general Washington, who was then absent from the seat of government on a journey through the southern states. The following is a copy of his letter on that occasion. It is not to be found among Mr. Jefferson's correspondence, but is contained in general Washington's writings, published by Mr. Sparks, volume 10, page 159. It is introduced by the editor of those volumes in the following manner.

"During the absence of the president on his tour through the southern states, Mr. Jefferson wrote to him as follows, respecting his agency in the republication of the first part of Paine's 'Rights of Man.'"

"*Philadelphia, May* 8th. The last week does not furnish one single public event worthy of communicating to you; so that I have only to say, 'all is well.' Paine's answer to Burke's pamphlet begins to produce some squibs in our public papers. In Fenno's paper they are Burkites, in the others they are Painites. One of Fenno's was evidently from the author of the *Discourses on Davila.* I am afraid the indiscretion of a printer has committed me with my friend Mr. Adams, for whom, as one of the most honest and disinterested men alive, I have a cordial esteem, increased by long habits of concurrence in opinion in *the days of his republicanism;* and even *since his apostacy to hereditary monarchy and nobility,* though we differ, we differ as friends should do. Beckley had the only copy of Paine's pamphlet and lent it to me, desiring when I should have read it, that I should send it to a Mr. J. B. Smith, who had asked it for his brother to reprint it. Being an utter stranger to J. B. Smith, both by sight and character, I wrote a note to explain to him why I (a stranger to him) sent

him a pamphlet, namely, that Mr. Beckley had desired it; and, to take off a little of the dryness of the note, I added, that I was glad to find that it was to be reprinted, that something would at length be said against *the political heresies* which had lately sprung up among us, and that I did not doubt our citizens would rally again round the standard of common sense.

"That I had in my view the *Discourses on Davila*, which had filled Fenno's papers for a twelve-month without contradiction, is certain; but nothing was ever further from my thought than *to become myself the contradictor before the public*. To my great astonishment, however, when the pamphlet came out, the printer had prefixed my note to it without having given me the most distant hint of it. Mr. Adams will unquestionably take to himself the charge of political heresy, as conscious of his own views of drawing the present government to the form of the English constitution, and I fear will consider me as meaning to injure him in the public eye. I learn that some Anglomen have censured it in another point of view, as a sanction of Paine's principles tends to give offence to the British government. Their real fear however, is, that this popular and republican pamphlet, taking wonderfully, is likely at a single stroke to wipe out all the unconstitutional doctrines which *their bell-wether Davila* has been preaching for a twelve-month.

"I certainly never made a secret of my being anti-monarchical, and anti-aristocratical; but I am sincerely mortified to be thus brought forward on *the public stage*, where to remain, to advance, or to retire, will be equally against my *love of silence* and quiet, and my abhorrence of dispute."

It would have been more characteristic, if Mr. Jefferson

had made this attack upon his friend, Mr. Adams, in a more secret and clandestine manner; and all the regret that he experienced on this occasion, appears to have arisen from the circumstance, that his sentiments respecting that gentleman had been thus disclosed, and he brought upon the public stage, where to remain, advance or retire, would be against his love of silence.

CHAPTER V.

Mr. Jefferson's opinion that one generation of men cannot bind another, individually or collectively, to the fulfilment of obligations—Letter to James Madison on the subject, dated September, 1789—to doctor Gem—to J. W. Eppes—to J. Cartwright, dated June, 1824—Examination of his principle—Mr. Jefferson a mere partizan in politics—Letter to F. Hopkinson, March, 1789—Correspondence respecting the operations of the federal government, 1790, 1791—Origin of the *Ana*—Monarchy—Controversy of those days between the advocates of kingly and republican government.

Among the strange and extravagant opinions which Mr. Jefferson had formed, and of the soundness of which he had apparently reasoned himself into a full and fixed belief, was the notion that one generation of men had no right to bind another, either in a collective or individual capacity, to the fulfilment of obligations assumed by the former. In a letter to James Madison, dated Paris, September 6, 1789, he says:—

"I sit down to write to you without knowing by what occasion I shall send my letter. I do it because a subject comes into my head which I would wish to develope a little more than is practicable in the hurry of the moment of making up general despatches.

"The question, whether one generation of men has a right to bind another, seems never to have been started either on this or our side of the water. Yet it is a question of such consequences as not only to merit decision, but a place also among the fundamental principles of every

government. The course of reflection in which we are immersed here, on the elementary principles of society, has presented this question to my mind; and that no such obligation can be transmitted I think very capable of proof. I set out on this ground, which I suppose to be self-evident, that the *earth belongs in usufruct to the living:* that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be; and reverts to the society. If the society has formed no rules for the appropriation of its lands in severalty, it will be taken by the first occupants, and these will generally be the wife and children of the decedent. If they have formed rules of appropriation, those rules may give it to the wife and children, or to some one of them, or to the legatee of the deceased. So they may give it to his creditor. But the child, the legatee, or creditor takes it not by natural right, but by a law of the society of which he is a member and to which he is subject. Thus no man can, by *natural right*, oblige the lands he occupied, or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might, during his own life, eat up the usufruct of the lands for several generations to come; and then the lands would belong to the dead, and not to the living, which is the reverse of our principle.

"What is true of every member of the society individually, is true of them all collectively; since the rights of the whole can be no more than the sum of the rights of the individuals. To keep our ideas clear when applying them to a multitude, let us suppose a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day, leaving a succeeding generation in the moment of attaining their mature age, all together.

Let the ripe age be supposed of twenty-one years, and their period of life thirty-four years more, that being the average term given by the bills of mortality to persons of twenty-one years of age. Each successive generation would, in this way, come and go off the stage at a fixed moment, as individuals do now. Then, I say, the earth belongs to each of these generations during its course, fully and in its own right. The second generation receives it clear of the debts and incumbrances of the first, the third of the second, and so on. For if the first could charge it with a debt, then the earth would belong to the dead and not to the living generation. Then no generation can contract debts greater than may be paid during the course of its own existence. At twenty-one years of age, they may bind themselves and their lands for thirty-four years to come; at twenty-two for thirty-three; at twenty-three for thirty-two; and at fifty-four for one year only; because these are the terms of life which remain to them at the respective epochs. But a material difference must be noted between the succession of an individual and a whole generation. Individuals are parts only of a society, subject to the laws of the whole. These laws may appropriate the portion of land occupied by a decedent to his creditor rather than to any other, or to his child on condition that he satisfies the creditor. But when a whole generation, that is, the whole society, dies, as in the case we have supposed, and another generation or society succeeds, this forms a whole, and there is no superior who can give their territory to a third society, who may have lent money to their predecessors beyond their faculties of paying.

"What is true of generations succeeding one another at fixed epochs, as has been supposed for clearer conception, is true of those renewed daily, as is the actual course

of nature. As a majority of the contracting generation will continue in being for thirty-four years, and a new majority will then come into possession, the former may extend their engagements to that term and no longer. The conclusion, then, is, that neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time; that is to say, within thirty-four years from the date of the engagement.

"To render this conclusion palpable, suppose that Louis the XIV. and XV. had contracted debts in the name of the French nation to the amount of ten thousand milliards, and that the whole had been contracted in Holland. The interest of this sum would be five hundred milliards, which is the whole rent-roll or net proceeds of the territory of France. Must the present generation have retired from the territory in which nature produces them and ceded it to the Dutch creditors? No; they have the same rights over the soil on which they were produced as the preceding generations had. They derive these rights not from them, but from nature. They, then, and their soil are by nature clear of the debts of their predecessors. To present this in another point of view, suppose Louis XV. and his cotemporary generation had said to the money-lenders of Holland, Give us money that we may eat, drink and be merry in our day; and on condition that you will demand no interest until the end of thirty-four years, you shall then forever after receive an annual interest of fifteen per cent. The money is lent on these conditions, is divided among the people, eaten, drunk, and squandered. Would the present generation be obliged to apply the produce of the earth and of their labor to replace their dissipation? Not at all.

"I suppose that the received opinion, that the public debts of one generation devolve on the next, has been suggested by our seeing habitually in private life, that he who succeeds to lands is required to pay the debts of his predecessor; without considering that this requisition is municipal only, not moral, flowing from the will of the society which has found it convenient to appopriate the lands of a decedent on the condition of a payment of his debts; but that between society and society, or generation and generation, there is no municipal obligation, no umpire but the law of nature.

"The interest of the national debt of France being, in fact, but a two thousandth part of its rent-roll, the payment of it is practicable enough; and so becomes a question merely of honor or of expediency. But with respect to future debts, would it not be wise and just for that nation to declare, in the constitution they are forming, that neither the legislature nor the nation itself can validly contract more debt than they may pay within their own age, or within the term of thirty-four years? and that all future contracts shall be deemed void as to what shall remain unpaid at the end of thirty-four years from their date. This would put the lenders, and the borrowers also, on their guard. By reducing, too, the faculty of borrowing within its natural limits, it would bridle the spirit of war, to which too free a course has been procured by the inattention of money-lenders to this law of nature, that succeeding generations are not responsible for the preceding.

"On similar ground it may be proved that no society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation; they may manage it, then, and what proceeds from it, as they please during their usufruct. They are masters, too,

of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished, then, in their natural course, with those whose will gave them being. This could preserve that being until it ceased to be itself, and no longer. Every constitution, then, and every law naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right. It may be said that the succeeding generation exercising, in fact, the power of repeal, this leaves them as free as if the constitution or law had been expressly limited to thirty-four years only. In the first place, this objection admits the right in proposing an equivalent. But the power of repeal is not an equivalent. It might be, indeed, if every form of government were so perfectly contrived that the will of the majority could always be obtained fairly and without impediment. But this is true of no form. The people cannot assemble themselves; their representation is unequal and vicious. Various checks are opposed to every legislative proposition. Factions get possession of the public councils, bribery corrupts them, personal interests lead them astray from the general interests of their constituents; and other impediments arise so as to prove to every practical man that a law of limited duration is much more manageable than one which needs a repeal.

"This principle that the earth belongs to the living and not to the dead is of very extensive application and consequences in every country, and most especially in France. It enters into the resolution of the questions, whether the nation may change the descent of lands holden in tail; whether they may change the appropriation of lands given anciently to the church, to hospitals, colleges, orders of

chivalry, and otherwise in perpetuity; whether they may abolish the charges and privileges attached on lands, including the whole catalogue ecclesiastical and feudal; it goes to hereditary offices, authorities and jurisdictions, to hereditary orders, distinctions and appellations, to perpetual monopolies in commerce, the arts or sciences, with a long train of *et ceteras;* and it renders the question of reimbursement a question of generosity and not of right. In all these cases the legislature of the day could authorize such appropriations and establishments for their own time, but no longer; and the present holders, even where they or their ancestors have purchased, are in the case of *bona fide* purchasers of what the selle. had no right to convey.

"Turn the subject in your mind, and particularly as to the power of contracting debts, and develop it with that cogent logic which is so peculiarly yours. Your station in the councils of our country gives you an opportunity of producing it to public consideration, of forcing it into discussion. At first blush it may be laughed at as the dream of a theorist, but examination will prove it to be *solid and salutary.* It would furnish matter for a fine preamble to our first law for appropriating the public revenue; and it will exclude, at the threshhold of our new government, the ruinous and contagious errors of this quarter of the globe, which have armed despots with means which nature does not sanction for binding in chains their fellow-men. We have already given, in example, one effectual check to the dog of war by transfering the power of declaring war from the executive to the legislative body, from those who are to spend to those who are to pay. I should be pleased to see this second obstacle held out by us, also, in the first instance. No

nation can make a declaration against the validity of long contracted debts so disinterestedly as we, since we do not owe a shilling which will not be paid, principal and interest, by the measures you have taken within the time of our own lives."

Immediately after the letter from which the foregoing extracts are made, in the same volume of Mr. Jefferson's works, is one addressed to Dr. Gem, without date of time or place, of which the following is a copy: —

"The hurry in which I wrote my letter to Mr. Madison, which is in your hands, occasioned an inattention to the difference between generations succeeding each other at fixed epochs and generations renewed daily and hourly. It is true that in the former case the generation when at twenty-one years of age may contract a debt for thirty-four years because a majority of them will live so long. But a generation consisting of all ages, and which legislates by all its members above the age of twenty-one years, cannot contract for so long a time because their majority will be dead much sooner. Buffon gives us a table of twenty-three thousand nine hundred and ninety-four deaths, stating the ages at which they happened. To draw from these the result I have occasion for, I suppose a society in which twenty-three thousand nine hundred and ninety-four persons are born every year, and live to the age stated in Buffon's table. Then the following inferences may be drawn. Such a society will consist constantly of six hundred and seventeen thousand seven hundred and three persons, of all ages. Of those living at any one instant of time, one half will be dead in twenty-four years and eight months. In such a society, ten thousand six hundred and seventy-five will arrive every year at the age of twenty-one years complete. It will constant-

ly have three hundred and forty-eight thousand four hundred and seventeen persons, of all ages above twenty-one years; and the half of those of twenty-one years and upwards living at any one instant of time will be dead in eighteen years and eight months, or say nineteen years.

"Then the contracts, constitutions and laws of every such society become void in nineteen years from their date."

Lest it should be supposed that these letters were written when Mr. Jefferson's mind was filled with enthusiastic zeal in the cause of liberty, by the first breaking out of the French revolution, and that age and experience might have cooled his ardor on that intoxicating subject, it will appear that he carried the wild and impracticable notions which he had thus early imbibed along the course and up to the close of his long life. In a letter to John W. Eppes, his son-in-law, and as it would seem, at the time, chairman of the committee of ways and means in the house of representatives of the United States, dated June 24, 1813, he says:—

"The earth belongs to the living, not to the dead. The will and the power of man expire with his life by nature's law. Some societies give it an artificial continuance for the encouragement of industry; some refuse it, as our aboriginal neighbors, whom we call barbarians. The generations of men may be considered as bodies or corporations. Each generation has the usufruct of the earth during the period of its continuance. When it ceases to exist, the usufruct passes on to the succeeding generation, free and unincumbered, and so on, successively, from one generation to another forever. We may consider each generation as a distinct nation, with a right, by the will of its majority, to bind themselves, but none to bind the suc-

ceeding generation more than the inhabitants of another country. Or the case may be likened to the ordinary one of a tenant for life, who may hypothecate the land for his debts during the continuance of his usufruct; but at his death the reversioner (who is for life only) receives it exonerated from all burthen. The period of a generation, or the term of its life, is determined by the laws of mortality, which varying a little only in different climates offer a general average to be found by observation."

He then adverts to Buffon's theory respecting the period of human life, and after stating it much in the same manner as in a former letter already quoted, he says—"At nineteen years, then, from the date of a contract, the majority of the contractors are dead and their contract with them." He then states a case for the purpose of illustrating the principle for which he is contending, which destroys one half the adult citizens of the community which forms the basis of his estimate; and then says—"Till then," that is, to the time of their deaths, "being the majority, they may rightfully lay the interest of their debt annually on themselves and their fellow-revellers, or fellow-champions. But at that period, say at this moment, a new majority have come into place, in their own rights, and not under the rights, the conditions or laws of their predecessors. Are they bound to acknowledge the debt, to consider the preceding generation as having had a right to eat up the whole soil of their country in the course of a a life, to alienate it from them (for it would be an alienation to the creditors), and would they think themselves either legally or morally bound to give up their country and emigrate to another for subsistence? Every one will say no: that the soil is the gift of God to the living, as much as it had been to the deceased generation; and that

the laws of nature impose no obligation on them to pay this debt. And although, like some other natural rights, this has not yet entered into any declaration of rights, it is no less a law, and ought to be acted on by honest governments."

In a letter to major John Cartrwight, dated June 5, 1824, two years only before his death, (vol. 4, 396,) he says, "Can one generation bind another, and all others, in succession for ever? I think not. The Creator has made the earth for the benefit of the living, not the dead. Rights and powers can only belong to persons, not to things, not to mere matter unendowed with will. The dead are not even things. The particles of matter which composed their bodies make part now of the bodies of other animals, vegetables or minerals of a thousand forms. To what, then, are attached the rights they held while in the form of men? A generation may bind itself as long as its majority continues in life; when that has disappeared, another majority is in place, holds all the rights and powers their predecessors once held, and may change their laws and institutions to suit themselves. Nothing, then, is unchangeable but the inherent and unalienable rights of man."

The general principle here advanced is, that no man can by natural right subject the lands in his occupation, or the persons who may succeed him in that occupancy, to the payment of his debts. After a pretty long train of reasoning to establish this principle, Mr. Jefferson comes to this result—"That neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time, that is to say, within thirty-four years of the date of the engagement, or by a different estimate of life in nineteen

years." In the first place, it would seem necessary to establish the great point, that all mankind must die at fifty-four years of age; because the principle must fail in its application in every instance where a man's life is prolonged beyond that period. It is true, that he makes out an *average* from Buffon's estimate of the duration of human life, which goes to fix that as the average extent of existence; but as the privilege of being freed from the obligation of pre-contracted debts is claimed to be a natural, inherent, inalienable right of man, it is not to be regulated or controlled by the laws of society. Indeed, if once subjected to the laws of the civil state, its natural character is lost; for if a majority of the individuals in a community can determine anything about it, they can determine everything about it. A natural right is not under the control of a majority. It adheres to the individual in all situations; and nothing but the exercise of absolute despotic power can deprive him of his inherent privilege.

But it may be difficult, in the second place, to keep every individual belonging to the majority alive during the thirty-four years after he has attained the full age of twenty-one. Some of them undoubtedly will die; and it would not be strange if at least half of them should drop by the way. What would become of the principle in such a case? and especially if a whole generation should, according to the supposition, all be born at a moment? That it is, in Mr. Jefferson's phraseology, the usufruct only of the ground which a living man can claim, need not be denied, because it is certain that a dead man can neither till the ground nor use its fruits. Nor, in many cases, can a sick man do either. But it does not follow, that because he cannot cultivate the soil, nor eat its products, that the right in that soil belongs to the man who

can first enter and take possession of it after his death, and hold it free from all liability to discharge the honest debts of the former owner. This can never be admitted until the laws and institutions of society are abolished, and men are reduced once more to a savage state. There is no middle ground where they can meet, and live together in an uncivilized and even barbarous condition, in which every man's will must be his law, and every man's arm his own minister of justice. Besides, if it is to depend in any degree upon the votes of "the society," it yields the whole controversy; because where men vote they must submit to a majority; and where a majority govern by general consent, it is a civil state in which all their affairs must necessarily be governed by the general rule—a rule to which all must submit.

Mr. Jefferson does not confine his doctrines to the mere disposition of lands and the obligation to pay either public or private debts. He goes far beyond this. He says, "But persons and property make the sum of the objects of government. The constitution and the laws of their predecessors are extinguished, then, in their natural course with those whose will gave them being. This could preserve that being until it ceased to be itself, and no longer. Every constitution, then, and every law naturally expires at the end of thirty-four years. If it be enforced longer, it is an act of force and not of right."

The plain and necessary meaning of this is, that no constitution of government, and no law enacted under such constitution, can regularly exist more than thirty-four years, but every community living under a constitution formed and adopted by their own voluntary acts, will at the end of that short period be thrown into a state of nature, destitute of all government and all law, and every indi-

vidual belonging to such a community will, of course, be left to do that which is right in his own eyes. Agreeably to this principle, the United States would be now considerably advanced towards the end of the natural life of a second constitution—forty years having elapsed since the adoption of the present. The meaning of this is, that every country which is favored with a constitution, formed and adopted by their own free choice, must have a political revolution every thirty-four years; and this resulting from an inherent defect in the very nature of civil society, which is incapable of establishing or forming any system of government which can last longer than that period. Nobody who sees such sentiments as these from Mr. Jefferson can be surprised at hearing him, when alluding to Shay's insurrection, exclaim, "God forbid we should ever be twenty years without such a rebellion."—"What signify a few lives in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure."

But, it may be asked, what would have been the condition of the United States, if at the time of the organization of the new government, instead of George Washington, Thomas Jefferson had been placed at the head of it, with all the influence and control over a majority of the country which he afterwards acquired and exercised? The great fundamental principles of the government, and of course its future direction and character, would have been regulated and influenced by a wild enthusiastic theorist, destitute of any practical views of national affairs, but regulated by a visionary and philosophical standard, principles of the most absurd, preposterous and mischievous character would have been established—such as would have plunged the public concerns into inextricable

disorder and would necessarily have terminated in inevitable ruin.

Tucker's Life of Jefferson contains Mr. Madison's answer to the letter from Mr. Jefferson to him, which has been quoted in this work. Much as he was devoted to Mr. Jefferson's opinions on most subjects, he could not yield to the extravagance of the sentiments which that letter contains. Was it to be expected that men of sense and sobriety would feel any confidence in a man who entertained such wild, visionary, and impracticable sentiments as those to which this corespondence relates? It is certain that the federalists did not.

"As the reader may be curious to see Mr. Madison's views of this novel principle in legislation, an extract of his reply to the preceding letter is here subjoined; and although we may be disposed to question with him both the justice and the expediency of such a principle adopted without discrimination, yet we cannot but yield our respect to the ever active spirit of benevolence which dictated it. Mr. Jefferson's very sanguine temper was never so likely to mislead his judgment as in schemes for the promotion of human happiness and advancing the condition of civil society."

"*New York, February* 4, 1790.

"Dear sir,—Your favor of January 9, inclosing one of September last, did not get to hand until a few days ago. The idea which the latter evolves is a great one, and suggests many interesting reflections to legislators, particularly when contracting and providing for public debts. Whether it can be received in the extent to which your reasonings carry it, is a question which I ought to turn more in my thoughts than I have yet been able to do, before I should be justified in making up a full opinion on it.

"My first thoughts lead me to view the doctrine as not, *in all respects*, compatible with the course of human affairs. I will endeavor to sketch the grounds of my scepticism."

[Mr. M. then copies Mr. Jefferson's main proposition, beginning with the passage in his letter, "As the earth belongs to the living," &c., and says, "This I understand to be the outline of the argument."]

"The acts of a political society may be divided into three classes: —

"1. The fundamental constitution of the government.

"2. Laws involving some stipulation which renders them irrevocable at the will of the legislature.

"3. Laws involving no such irrevocable quality.

"1. However applicable in theory the doctrine may be to a constitution, it seems liable, in practice, to some weighty objections.

"Would not a government ceasing of necessity at the end of a given term, unless prolonged by some constitutional act previous to its expiration, be too subject to the casualty and consequences of an interregnum?

"Would not a government so often revised become too mutable and novel to retain that share of prejudice in its favor which is a salutary aid to the most rational government?

"Would not such a periodical revision engender pernicious factions that might not otherwise come into existence, and agitate the public mind more frequently and more violently than might be expedient?

"2. In the second class of acts involving stipulations, must not exceptions, at least, to the doctrine be admitted?

"If the earth be the gift of *nature* to the living, their title can extend to the earth in its *natural* state only. The

improvements made by the dead form a debt against the living who take the benefit of them. This debt cannot be otherwise discharged than by a proportionate obedience to the will of the authors of the improvements.

"But a case less liable to be controverted may, perhaps, be stated. Debts may be incurred with a direct view to the interest of the unborn as well as of the living. Such are debts for repelling conquest, the evils of which descend through many generations. Debts may be incurred principally for the benefit of posterity; such, perhaps, is the debt incurred by the United States. In these instances the debt might not be dischargeable within the term of nineteen years.

"There seems, then, to be some foundation in the nature of things, in the relation which one generation bears to another, for the *descent* of obligations from one to another. Equity may require it. Mutual good may be promoted by it; and all that seems indispensable in stating the account between the dead and the living is to see that the debts against the latter do not exceed the advances made by the former. Few of the incumbrances entailed on nations by their predecessors would bear a liquidation even on this principle.

"3. Objections to the doctrine as applied to the third class of acts must be merely practical. But in that view alone they appear to be material.

"Unless such temporary laws should be kept in force by acts regularly anticipating their expiration, all the rights depending on positive laws, that is, most of the rights of property, would become absolutely defunct, and the most violent struggles ensue between the parties interested in reviving and those interested in reforming the antecedent state of property. Nor does it seem improb-

able that such an event might be suffered to take place. The checks and difficulties opposed to the passage of laws, which render the power of repeal inferior to an opportunity to reject, as a security against oppression, would have rendered the latter an insecure provision against anarchy. Add to this, that the very possibility of an event so hazardous to the rights of property could not but depreciate its value; that the approach of the crisis would increase the effect; that the frequent return of periods superseding all the obligations depending on antecedent laws and usages must, by weakening the sense of them, co-operate with motives to licentiousness already too powerful; and that the general uncertainty and vicissitudes of such a state of things would, on one side, discourage every useful effort of steady industry pursued under the sanction of existing laws, and, on the other, give an immediate advantage to the more sagacious over the less sagacious part of society.

"I can find no relief from such embarrassments but in the received doctrine that a *tacit* assent may be given to established governments and laws, and that this assent is to be inferred from the omission of an express revocation. It seems more practicable to remedy by well constituted governments the pestilent operation of this doctrine, in the unlimited sense in which it is at present received, than it is to find a remedy for the evils necessarily springing from an unlimited admission of the contrary doctrine.

"Is it not doubtful whether it be possible to exclude wholly the idea of an implied or tacit assent, without subverting the very foundation of civil society?

"On what principle is it that the voice of the majority binds the minority?

"It does not result, I conceive, from a law of nature, but from compact founded on utility.

"A greater proportion might be required by the fundamental constitution of society, if under any particular circumstances it were judged eligible. Prior, therefore, to the establishment of this principle, *unanimity* was necessary; and rigid theory accordingly pre-supposes the assent of every individual to the rule which subjects the minority to the will of the majority. If this assent cannot be given tacitly, or be not implied where no positive evidence forbids, no person born in society, could on attaining ripe age, be bound by any acts of the majority; and either a unanimous renewal of every law would be necessary as often as a new member should be added to the society, or the express consent of every new member be obtained to the rule by which the majority decides for the whole." (Vol. 1, page 291.)

The federalists were opposed to Mr. Jefferson on the ground that he was a mere partizan in politics, and almost immediately after his arrival in this country from France, in the year 1789, he first formed and then placed himself at the head of the party opposed to the constitution and to the measures of the government under general Washington's administration, and as their leader, attempted to promote his own ambitious views and interests by all the means which he could devise and employ for the purpose. One of the most efficient of those means was slander. The federalists believed him to be capable of descending to measures of the most unworthy nature for the purpose of accomplishing his favorite object, viz:—his own aggrandizement. In their opinion, no man was more fond of popularity; and they believed that no man was less scrupulous about the means he employed to obtain it. They believed that the world never produced a more accomplished demagogue; and that no man ever lived who understood the art of se-

curing popular favor, or of managing popular feeling, so as to make it subserve his own interests, better than he. That they understood his character in these respects, will be apparent to those who will read the following extracts from his works.

In a letter to F. Hopkinson, dated Paris, March 13, 1789, (vol. 2, Jefferson's Works, page 438,) he says—"I am not a federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever, in religion, in philosophy, in politics, or in anything else, where I was capable of thinking for myself. Such an addiction is the last degradation of a free and moral agent. If I could not go to heaven but with a party, I would not go there at all. Therefore, I protest to you, I am not of the party of federalists. But I am *much farther from that of the anti-federalists.* I approved from the first moment of the great mass of what is in the new constitution; the consolidation of the government; the organization into executive, legislative, and judiciary; the subdivision of the legislative; the happy compromise of interests between the great and little states by the different manner of voting in the different houses; the voting by persons instead of states; the qualified negative on laws given to the executive, which, however, I should have liked better if associated with the judiciary also, as in New York; and the power of taxation. I thought at first that the latter might have been limited. A little reflection soon convinced me it ought not to be. What I disapproved from the first moment, also, was the want of a bill of rights to guard liberty against the legislative as well as executive branches of the government, that is to say, to secure freedom in religion, freedom of the press, freedom from monopolies, freedom from unlawful imprisonment, from a permanent

military, and a trial by jury, in all cases determinable by the laws of the land. I disapproved also the perpetual re-eligibility of the president. To these points of disapprobation I adhere."—"These are my sentiments, by which you will see I was right in saying, I am neither federalist nor anti-federalist; that I am of neither party, nor yet a trimmer between parties. These, my opinions, I wrote within a few hours after I had read the constitution to one or two friends in America. I had not then read one single word printed on the subject. I had never had an opinion in politics or religion which I was afraid to own. A costive reserve on these subjects might have procured me more esteem from some people, but less from myself. My great wish is to go on in a strict but silent performance of my duty; to avoid attracting notice, and to keep my name out of the newspapers, because I find the pain of a little censure, even when it is unfounded, is more acute than the pleasure of much praise."

On the 7th of August, 1790, Mr. Jefferson, in a letter to M. Pinto, says—"The new government (of the United States) has now, for some time been under way, and so far gives a confidence that it will answer its purposes."

On the 13th of May, 1791, in a letter to Fulwar Skipwith, he says—"In general, our affairs are proceeding in a train of unparalleled prosperity. This arises from the real improvements of our government; from the unbounded confidence reposed in it by the people, their zeal to support it, and their conviction that a solid union is the best rock of their safety; from the favorable seasons which, for some years past, have co-operated with a fertile soil and genial climate to increase the productions of agriculture; and from the growth of industry, economy, and domestic manufactures. So that I believe I may say, with

truth, that there is not a nation under the sun enjoying more present prosperity, nor with more in prospect."

Something more than eighty pages at the end of the fourth volume of Mr. Jefferson's "Correspondence," are made up of what is called "*Ana.*" The matter of these pages is said to have been taken from "memoradums on loose scraps of paper," made by him when he held the office of secretary of state. They were preserved, he says, "for their testimony against the only history of that period, which pretends to have been compiled from authentic and unpublished documents." The very first sentence contained in them after the introductory notice from which the above passage is copied, is as follows:—

"But a short review of facts * * * * * will show, that the contests of that day were contests of principle between the advocates of republican and those of kingly government, and that had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it."

In what manner this blank should be filled, probably no person living knows. Let it be as it may, it will be difficult to reconcile the language made use of in it with the declarations in the letters to Messrs. Pinto and Skipwith above referred to. But as this is not a solitary instance in which Mr. Jefferson's remarks will be found to be directly at variance with each other, a mere cursory notice of their contradictory character will be sufficient for the present purpose.

CHAPTER VI.

Annapolis Convention, 1786—Difference of opinion in that body between a republican or kingly government—Account of that Convention from Pitkin's History—From the Life of Jay—Attempts of the friends of a kingly government, at the Convention, to prevent the formation of a republican government, for the purpose of introducing a monarchy—The charge shown by facts to be unfounded—Only five of the thirteen States represented—His knowledge of the Convention derived from hearsay—No proof of it has ever been adduced—The same charge made against the same party at the Convention which framed the Constitution in 1787—The *Ana* utterly unworthy of credit—Mr. Jefferson's enmity against A. Hamilton, its origin and its object—The charge of monarchical principles intended to promote his own interests.

Mr. Jefferson proceeds in his *Ana* to say that "The want of some authority which should procure justice to the public creditors, and an observance of treaties with foreign nations, produced, some time after, the call of a convention of the states at Annapolis. Although at this meeting a difference of opinion was evident on the *question of a republican or kingly government*, yet, so general through the states was the sentiment in favor of the former that the friends of the latter confined themselves to a course of obstruction only, and delay, to everything proposed; they hoped that nothing being done, and all things going from bad to worse, a kingly government might be usurped and submitted to by the people as better than anarchy and wars, internal and external, the certain consequences of the present want of a general government.

The effect of their manœuvres, with the defective attendance of deputies from the states, resulted in the measure of calling a more general convention to be held at Philadelphia."

The following account of the Annapolis convention is copied from Pitkin's Political and Civil History of the United States, (vol. 2, page 218—19.)

"In January 1786, the legislature of that state (Virginia) appointed a number of gentlemen 'to meet such commissioners as were or might be appointed by the other states in the union, at such time and place as should be agreed upon by said commissioners, to take into consideration the *trade* and *commerce* of the United States; to consider how far a uniform system in their commercial intercourse and regulations might be necessary to their common interest and permanent harmony; and to report to the several states such an act relative to this great object as, when unanimously ratified by them, would enable the United States, in congress assembled, effectually to provide for the same.' It was afterwards agreed that this meeting should be held at Annapolis, in Maryland, in September of the same year. Commissioners from the states of Virginia, Delaware, Pennsylvania, New Jersey and New York only attended. Delegates were appointed by New Hampshire, Massachusetts, Rhode Island and North Carolina, but did not attend. In consequence of such a partial representation of the states, the commissioners present thought it improper to proceed on the important business with which they were intrusted. They were now more than ever sensible of the necessity of a general convention of all the states, and were also satisfied that the powers of this convention should extend to other objects than merely the regulation of trade and commerce.

They, therefore, drew up a report and addressed to the states, in which, after stating the defects of the federal government, and that the situation of the United States 'was delicate and critical, calling for an exertion of the virtue and wisdom of all the members of the confederacy,' they recommended to all the states to concur in the appointment of commissioners to meet at Philadelphia on the second Monday in May, 1787, to take into consideration the situation of the United States, to devise such further provisions as should appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union."

In the "Life of John Jay," (vol. 1, page 254) there is the following account of this convention: — "In January, 1786, the legislature of Virginia proposed a convention of delegates, to be appointed by state legislatures, and to meet at Annapolis the ensuing September, to devise a uniform system of commercial regulations which should be binding on the whole confederacy when ratified by all the states. It was to this convention that Mr. Jay alluded in his letter to general Washington of the 16th of March, 1786. 'The convention proposed by Virginia may do some good, and would, perhaps, do more if it comprehended more objects.'

"The limited object of the convention failed to excite general interest, and the required unanimity of thirteen states prevented much effort to secure what was supposed to be unattainable. Only five states were represented in the convention, and their delegates wisely abstained from taking measures in relation to the subject for which they had been convened. They, however, took a step which led to important results. They recommended a convention of delegates from all the states to be held at Phil-

adelphia the ensuing spring, for revising the articles of confederation."

It was at this convention, composed as it was of a minority in numbers of the states, that Mr. Jefferson, in the passage above quoted from his "*Ana*," says, "a difference of opinion was evident on the question of a republican and kingly government, yet so general through the states was the sentiment in favor of the former, that the friends of the latter confined themselves to a course of obstruction only, and delay, to everything proposed; they hoped, that nothing being done, and all things going from bad to worse, a kingly government might be usurped and submitted to by the people as better than anarchy and wars, internal and external, the certain consequences of the present want of a general government." It is difficult to give credit to the assertions respecting this convention contained in the foregoing passage. In the first place, as but five of the thirteen states were represented in that body, they could not of course enter upon the business for which they were appointed. It is therefore not to be supposed that they would engage in a discussion of the comparative merits and advantages of the two kinds of government; especially as they were not sent on an errand which required such a discussion. The commission given by the legislature of Virginia to their own delegates was "to take into consideration *the trade and commerce* of the United States; to consider how far a uniform system, in their commercial intercourse and regulations, might be necessary to their common interest and permanent harmony; and to report to the several states such an act relative to this great object as, when *unanimously* ratified by them, would enable the United States, *in congress assembled*, effectually to provide for the same." Although this measure originated with

the state of Virginia, its object, as far as its future operation and effects were concerned, was general. The subject referred to them, although national, was exclusively commercial; they were to agree on the form of a *bill* to secure that object, which, when it had received the unanimous assent of the thirteen states in congress, was to become a general law. But there being only five states present, they had no power to act at all; and, of course, separated without doing anything. Can it be believed that in a body thus constituted, and thus situated, a question could have arisen on the comparative merits of republican and kingly governments?

Besides, would Mr. Jefferson mean to convey the idea that Virginia, Pennsylvania, New York and New Jersey, to say nothing of Delaware, actually sent persons to represent them on such an occasion who were monarchists in principle and feeling? It would be a gratifying circumstance if the names of those who attended at Annapolis from those states could be ascertained, as their political standing and character might probably be known. We have no doubt that they would prove to be altogether above even the suspicion of entertaining such heretical sentiments on government.

Mr. Jefferson proceeds to say, that the effect of their *manœuvres*, that is those who attended the Annapolis convention, with the defective attendance of deputies from the states, resulted in the measure of calling a more general convention to be held at Philadelphia. What manœuvring occurred on that occasion he does not explain. Nor is it easy to imagine what necessity there could have existed for the exercise of any, for their duties were of a plain and simple kind—the convention had failed, no part of the business for which it was appointed could be trans-

acted, because the object was national and required unanimity, and but five of the thirteen states were represented; and nothing remained for them, except a measure about which they volunteered, which was to recommend to all the states to appoint delegates to another convention. This required neither artifice nor cunning—it was impossible to cheat the states on the subject of the proposition; and none but a man who valued himself for skill and address in imposing upon the public mind, or a downright idiot, would have ever dreamed of attempting it.

Mr. Jefferson, probably aware of the difficulty of making the world credit such an improbable account as this, adds at the close of it the remark that, "What passed through the whole period of these conventions, *I have gone on the information of those who were members of them*, being absent myself on my mission to France."

This was undoubtedly the commencement of the system of party "*manœuvring*," which he afterwards practiced with such extraordinary success in his political career, in claiming for himself and his followers the exclusive title of republicans, and stigmatizing the federalists as monarchists; for in the next sentence after that above quoted, he says—"At this," (that is the convention which met in Philadelphia in 1787, and formed the constitution) "the same party exhibited the same practices, and with the same views of preventing a government of concord, which they foresaw would be republican, and of forcing through anarchy their way to monarchy. But the mass of that convention was too honest, too wise and too steady to be baffled and misled by their manœuvres." These charges, of course, like the former, must have depended on hearsay evidence. It is a little remarkable, that no direct proof of their correctness has ever been adduced, though fifty years

have now elapsed, and the whole generation of those who were members of that body are in their graves. These "*Ana*," it will be recollected, were prepared for future use from "memorandums on loose scraps of paper, taken out of his pocket in the moment, and laid by to be copied fair at leisure, which, however, they hardly ever were." These scraps, he says, "ragged, rubbed, and scribbled as they were," he had bound with the others. At the end of twenty-five years or more from their dates, he had given the whole a calm revisal, when the passions of the time had passed away, and the reasons of the transactions acted alone on the judgment. Some of the informations he had recorded, he cut out from the rest, because he had seen they were incorrect, or doubtful, or merely personal, or private; and he would perhaps have thought the rest not worth preserving, but for their testimony against the *only history of that period*, which pretended to have been compiled from authentic documents. These "memorandums," then, were made and preserved for the purpose of *testifying against a history of the period*, by which it is to be presumed he meant *the life of George Washington, by John Marshall.* What degree of credit is due to evidence made up in this manner, and for such a purpose, will be left to the common sense and integrity of mankind to decide. One circumstance, however, should be borne in mind, that it is entirely unsupported by any witnesses or proof except the naked assertion of its author. The reputation of Marshall's work, then, may be safely trusted, on the unquestionable evidence which it carries upon its face, of its own intrinsic credit and merit and the unsullied and unimpeachable integrity and veracity of its author. Happy would it be for Mr. Jefferson's memory if his "*Ana*" stood upon as firm a basis.

Mr. Jefferson brings the same charge against the convention at Philadelphia that he had before preferred against that at Annapolis. He says the same party which had made its appearance at Annapolis was found at Philadelphia, where they exhibited the same practices and with the same views of preventing a government of concord, which they foresaw would be republican, and of *forcing through anarchy their way to monarchy*. In support of this declaration, he produces not a particle of evidence; but undoubtedly relies either upon the hearsay accounts which he says he derived from those who were members of the convention, or, what is more probable, upon his own prolific imagination. Not a witness is named, nor is any source of proof referred to except that of hearsay just mentioned. He alludes, however, to a story that has been much circulated through the country, respecting a project which it was alleged general Hamilton suggested, of a system in some respects more energetic in its character than that which was finally adopted and incorporated into the constitution. There is no room for doubt, that Mr. Jefferson, upon his return from Europe and taking his seat in the national cabinet, found the reputation of general Hamilton for talents and patriotism so high that it became an object of great importance with him, in the prosecution of his plans of personal ambition, to lessen at least, if he was not able to destroy, the popularity and influence of that great man, and to render him an object of distrust and odium. Whilst Mr. Jefferson was in Europe, he was of course entirely out of the way of the difficulties and distresses which the government and the country had experienced for several years previously to the adoption of the federal constitution. In the adoption of that constitution, no person had made greater exertions, or produced more

important effects, than general Hamilton. Whatever views he might have entertained on any particular topics during the discussions in the convention which formed it, in its principles and provisions, as finally adjusted, he fully acquiesced, and his name stands among those who signed it; and in procuring its adoption by the people, his extraordinary and almost unrivalled talents were zealously and successfully exerted. To impair an influence thus honorably acquired, and beneficially exercised, became an object of the highest importance to the success of Mr. Jefferson's views of personal ambition and aggrandizement. Accordingly, he began a system of political hostility against general Hamilton which he never relinquished until that object was accomplished. Indeed, such was the bitterness of his enmity towards that great statesman, to whom the country are under such incalculable obligations, that he carried it on with a somewhat concealed but implacable malignity, that age could not cool nor time abate, even when he had passed the age of three-score years and ten, and which finally accompanied him into the solitude and darkness of the grave.

The great basis of this warfare against talents and patriotism was the general charge of a monarchical propensity—a disposition to change the republican system of the United States into a monarchy. In order to render this charge sufficiently efficacious, it became necessary to involve in it the other influential friends and supporters of the constitution—that constitution to which Mr. Jefferson had manifested, on various grounds, a decided opposition, but which general Hamilton and his federal friends, associates, and fellow-laborers, against that opposition, had by their united efforts and by the exercise of their wisdom, public spirit, and patriotic devotion to their country, formed, adoped and put into successful operation.

CHAPTER VII.

Mr. Jefferson had no regard for the constitution if it stood in the way of his interests—Treaty-making power—Opposed to Mr. Jay's treaty with Great Britain—Attempts to prevent its ratification—Doctrine advanced by him regarding the power of the representatives over treaties—Letters to Monroe and Madison—Gallatin's, and Madison's opinions—Livingston's resolution in the House of Representatives—Arguments used on both sides in debate—Resolution adopted by House of Representatives—Mr. Jefferson's sentiments opposed to the constitution, of which he seemed to be sensible—His sentiments contradicted in the case of the treaty with France, in 1831; but urged against that treaty by members of the French legislature—Livingston at this time minister at Paris, and obliged to act in opposition to the sentiments avowed by him on Mr. Jay's treaty.

THE federalists had no confidence in Mr. Jefferson's regard for the constitution if his interests or his policy were in danger of being injured, or his views and plans thwarted by a strict adherence to its provisions or its principles.

By the second section of the second article of the constitution of the United States, it is declared that the president shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur. And in the sixth article it is provided that "This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law law of the land." This language is too plain, too precise, and too explicit to be mistaken. Every person who is at

all acquainted with the English tongue knows that a supreme law is paramount over all others; and, of course, that such a law requires universal obedience from all descriptions of people. Neither the president of the United States, nor the senators or representatives in congress; neither the governors or legislative bodies, nor the courts of the several states, are exempt from this great and indispensable obligation. The constitution itself, and the laws made in pursuance of its authority, according to the provision just quoted, are laws of this description. And treaties formed by the president and senate, in conformity with the same clause of the constitution, are also supreme laws, and require universal obedience and observation.

It will appear in the course of this work, that Mr. Jefferson was most decidedly opposed to the treaty formed between the United States and Great Britain in the year 1794, and which was commonly called Mr. Jay's treaty. That this treaty was highly advantageous to the United States was proved in a most conclusive manner by its effects. But it adjusted some of the difficulties between this country and Great Britain, and, of course, was viewed by the adherents of the French revolutionists as unfavorable to the projects and policy of that country; and hence it was very ill received by them, and made the subject of much party heat and violence. In this light it was considered by Mr. Jefferson, who was extremely hostile to Great Britain and equally devoted to the interests of the French. This will account for the rancorous animosity which he felt towards the treaty, and, as was perfectly natural, towards those who ratified and carried it into execution. As it had been negotiated, ratified and established in strict conformity with the provisions of the constitution, it could not be directly and legitimately destroyed or evaded. It

therefore became necessary to devise some plan by which the end they had in view might be attained, and the evil which they appeared to dread might be avoided. Having failed in their attempts to overawe George Washington, and to induce him by the force of popular clamor to withhold his signature from the treaty, the next attempt was to defeat it in the legislative department of the government, by refusing to enact the necessary measures for carrying it into execution. Accordingly a bold and decided stand was made by Mr. Jefferson's partizans in the house of representatives of the United States, as soon as the treaty was laid before them, and a call was made upon them to adopt the measures necessary for that purpose. After a long, animated, and highly impassioned debate, in which the constitutional right of congress to withhold the legislative acts necessary to the execution of a treaty, after it had been ratified by the president and senate, was most vehemently urged and maintained; in the end the acts were passed, the appropriations required by the stipulations in the treaty were made, and the treaty itself was confirmed and established.

The doctrine thus assumed, and which came very near being adopted, and the precedent established by the house of representatives, was, probably, the invention of Mr. Jefferson; or, if not, it received his cordial approbation. In the third volume of his works, (page 318,) is a letter to Wm. B. Giles, dated Dec. 31, 1795, in which he says, "I am well pleased with the manner in which your house have testified their sense of the treaty; while their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the president, who errs as other men err, but errs with integrity. Ran-

dolph seems to have hit upon the *true theory* of our constitution; that when a treaty is made, involving matters confided by the constitution to the three branches of the legislature conjointly, *the representatives are as free as the president and senate were to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power.*"

In the same book, (page 323,) in a letter to colonel Monroe, dated March 21, 1796, he says, "The British treaty has been formally, at length, laid before congress. All America is a-tiptoe to see what the house of representatives will decide on it. *We* conceive the constitutional doctrine to be that, though the president and senate have the general power of making treaties, yet, wherever they include in a treaty matters confided by the constitution to the three branches of the legislature, an act of legislation will be requisite to confirm these articles, and that *the house of representatives, as one branch of the legislature, are perfectly free to pass the act or refuse it, governing themselves by their own judgment, whether it is for the good of their constituents to let the treaty go into effect or not.* On the precedent now to be set will depend the future construction of our constitution, and whether the powers of legislation shall be transferred from the president, senate and house of representatives, to the president and senate and Piamingo, or any other Indian Algerine or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious as to have been predetermined by all America."

In a letter to James Madison, (page 324,) and dated March 27, 1796, he says, "I am much pleased with Mr. Gallatin's speech in Backe's paper of March the 14th. It is worthy of being printed at the end of the Federalist, as

the only rational commentary on the part of the constitution to which it relates. Not that there may not be objections and difficult ones to it, and which I shall be glad to see his answers to; *but if they are never answered they are more easily to be gulphed down than those which lie to the doctrines of his opponents*, which do, in fact, annihilate the whole of the powers given by the constitution to the legislature. According to the rule established by usage and common sense of construing one part of the instrument by another, the objects on which the president and senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the legislature is large enough; and I see no harm in rendering their sanction necessary, and *not much harm in annihilating the whole treaty-making power*, except as to making peace. If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used if not in one where the rights, the interests, honor and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of *the first agent*, the revolutionary machinations of others, and the incomprehensible acquiescence of *the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, 'Curse on his virtues, they have undone his country.'*"

He thus explicitly approves the doctrines advanced by Mr. Gallatin when discussing the subject. Mr. Gallatin

said, "If the power of making treaties is to reside in the president and senate unlimitedly, in other words, if in the exercise of this power the president and senate are to be restrained by no other branch of the government, the president and senate may absorb all legislative power; the executive has nothing to do but to substitute a foreign nation to the house of representatives, and they may legislate to any extent."—"He should not say that the treaty is unconstitutional; but he would say, that it was not the supreme law of the land until it received the sanction of the legislature. That the constitution and laws made in pursuance thereof, and treaties made under the authority of the United States, are declared to be the supreme law of the land. The words are, 'under the authority of the United States,' not signed and ratified by the president; so that a treaty clashing in any of its provisions with the express powers of congress, until it has so far obtained the sanction of congress, is not a treaty under the authority of the United States."*

"The views of Mr. Madison," says Mr. Pitkin, (page 461,) "on this important question, were generally in accordance with those expressed by Mr. Gallatin."—"He considered that construction the most consistent, most in accordance with the spirit of the constitution, and freest from difficulties, which left with the president and senate the power of making treaties, but required, at the same time, the *legislative sanction* and co-operation in those cases where the constitution had given express and specified powers to the legislature."

One of the persons who took an active part in the debates upon the treaty was Edward Livingston, a member of the house of representatives from the state of New

* Pitkin's Pol. and Civ. Hist., vol. 2, page 460—63.

York. He contended with great earnestness, that it was incident to the power of legislation vested by the constitution in the house, that upon every question coming before them for examination and decision, they must have the right of rejection as well as of adoption, otherwise they were mere machines, with no other powers in the specific case before them than to register the decrees of the president and senate.

After the ratification of the treaty in the manner prescribed in the constitution, this gentleman offered a resolution to the house, "requesting the president to lay before the house a copy of the instructions to the minister of the United States who negotiated the treaty with Great Britain, together with the correspondence and other documents relative to the said treaty." In discussing this resolution, says judge Marshall, "By the friends of the administration it was maintained, that a treaty was a contract between two nations, which, under the constitution, the president, by and with the consent of the senate, had a right to make, and that was made when, by and with such advice and consent, it had received his final act. Its obligations then became complete on the United States, and to refuse to comply with its stipulations was to break the treaty and to violate the faith of the nation.

"By the opposition it was contended, that the power to make treaties, if applicable to every object, conflicted with powers which were vested exclusively in congress. That either the treaty-making power must be limited in its operation so as not to touch objects committed by the constitution to congress, or the assent and co-operation of the house of representatives must be required to give validity to any compact so far as it might comprehend those objects. A treaty, therefore, which required an appropriation

of money or any act of congress to carry it into effect, had not acquired its obligatory force until the house of representatives had exercised its powers in the case. They were at full liberty to make or to withhold such appropriation, or other law, without incurring the imputation of violating any existing obligation, or of breaking the faith of the nation."*

During the same session, "a resolution," says Mr. Pitkin, "was submitted, [to the house of representatives] declaring the constitutional power of that body in relation to treaties, and on the 17th of April was adopted, fifty-seven to thirty-five, and entered on the journals. After referring to the section of the constitution concerning treaties, it declared, 'that the house of representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the constitution to the power of congress, it must depend for its *execution*, as to such stipulations, on a law or laws to be passed by congress; and it is the constitutional right and duty of the house of representatives, in all such cases, to deliberate on the *expediency* or *inexpediency* of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.'"†

That the doctrines which Mr. Jefferson labored so earnestly and so zealously to enforce and establish were in direct violation of the constitution will, at this time, scarcely be denied. That a treaty which had been formed and ratified according to the provision of the constitution, and of course had become a supreme law of the land, could still be prevented from going into operation by a refusal

* Life of Washington, vol. 5, page 651.
† Pol. and Civ. Hist., vol. 2, page 468.

on the part of the house of representatives to adopt the necessary measures for carrying it into effect, is not only absurd and mischievous but degrading to the national government. The treaty, having been ratified according to the plain provision of the constitution, had become a supreme law, which the house of representatives were bound by the most solemn obligations to obey; and a refusal on their part to carry it into effect would have been a plain and willful breach of the oath they had taken when admitted to their seats. And yet, Mr. Jefferson, from an undue attachment to revolutionary France and a settled spirit of hostility to Great Britain, exerted himself in a secret manner, but with all his talents and address, to induce that branch of the national legislature to be guilty of this gross misconduct.

Nor was he unconscious of the impropriety of his own conduct. By the language made use of in his letter to Mr. Madison, when speaking of his argument on this great question, he acknowledges that there may be objections, and difficult ones, to it to which he should be glad to see his answers. But, he adds, if they are never answered, *they are the more easily to be gulphed down than those which lie to the doctrines of his opponents.* In other words, he could swallow an unconstitutional argument that favored a heterodox opinion of his own more easily than he could yield to a constitutional one that would overthrow his own unconstitutional hypothesis.

The government of the United States, at a later period of its history, had an opportunity to examine the soundness of the principles advanced and vehemently maintained by Mr. Jefferson and his principal adherents on this subject, in a case where one of the parties was charged, and where their own pecuniary interests were more imme-

diately involved. In the case alluded to, France instead of Great Britain was directly concerned. Reference is here made to the treaty between the government of the last mentioned nation and the United States, entered into in the year 1831. By this treaty, France had agreed to pay to the United States twenty-five millions of francs as an indemnity for spoliations upon the commerce of American citizens during the reign of Napoleon Bonaparte. The treaty had been ratified by both the parties, according to the forms prescribed by their several constitutions. It has been seen, that the principle adopted by Mr. Jefferson and his friends in the house of representatives of the United States when Mr. Jay's treaty was before them was, that when a treaty had been ratified by the president and senate which contained articles that required legislative aid to carry those articles into effect, the house of representatives, being a branch of the legislative power, had a right to exercise their judgment, and to pass or not pass the necessary acts for that purpose, according as the treaty was or was not likely, in their opinion, to be beneficial to their country. When the treaty with France was laid before the legislative body of that nation for the purpose of obtaining an act to appropriate the money necessary to pay the indemnity stipulated for in that document, the measure was vehemently opposed by a portion of the chamber of deputies on the specific ground advocated in the house of representatives of the United States in the case of the treaty with Great Britain, *that the treaty was not beneficial but injurious to France.*

The first person who spoke in opposition to the appropriation bill was M. Boissy D'Anglais, and the following is the first sentence in his speech: —

"If the treaty submitted to us offered any real advan-

tages for France, if it were established on principles of justice and reciprocity, I should not oppose the bill now before you; but as I find in it none of those characters, I think we should not agree to the payment of an enormous sum which the unfortunate situation of our finances does not allow us to part with gratuitously." On this ground he argued the question throughout his speech.

M. Bignon made a long and very ingenious speech, in which he took the same general ground and made it the principal basis of his objections. In the course of it he said:—

"*The government of the United States knows, better than any other*, that in a representative government, no political convention containing a stipulation for any payment whatever can be considered definitive until the consent of the body which has the right of voting the appropriation has been obtained in that particular stipulation."

Other members adopted the same course of reasoning in the progress of the debate, but enough has been quoted for the purpose of establishing the fact mentioned, viz: that the ground on which the French treaty was opposed in the chamber of deputies was precisely the same with that advocated by Mr. Jefferson and his friends against the British treaty.

At the time when this difficulty occurred at Paris relative to the execution of the treaty of 1831, the minister from the United States to the French government was Mr. Edward Livingston, whose name has been already mentioned as a member of the house of representatives of the United States in 1790, and an active opponent of the measures necessary for the execution of the treaty with Great Britain. As a diplomatic agent he found himself under the necessity of taking different ground from that

which he had occupied nearly forty years before in the legislative assembly of his own country, and assert principles and adopt a course of reasoning not only diametrically opposite to those which he had advocated as sound and legitimate in his earlier years, but precisely similar to those used by the federalists on Mr. Jay's treaty.

Finding such doubts and delays in the French chamber of deputies in regard to the execution of the treaty, the executive branch of the United States government took fire; and for a considerable time, it was a very serious question whether we should not be involved in a war with that nation on that simple ground. But the history of the case ought to be received by the people of this republic as an important admonitory lesson, to be more upon their guard against the arts and designs of ambitious politicians, who are more anxious to promote their own personal and party interests than to consult the general welfare or preserve a reputation for consistency either in their principles or conduct. Mr. Jefferson's system, if such it may be called, was one of expedients. He always adopted the project that promised to be useful at the moment in extricating him from an unexpected embarrassment, or in the accomplishment of a favorite object, trusting to future events for what might occur. By placing too much confidence in his skill to get through difficulties, or too great a subserviency to his management or dictation in the case under consideration, they suffered him, in his eagerness to carry a favorite measure, to establish an important precedent which not only placed the government in a mortifying situation, but came very near involving the country in a calamitous and vindictive war. And this was owing to his total disregard of one of the plainest provisions of the constitution.

CHAPTER VIII.

Mr. Jefferson a secret enemy of general Washington—Ambitious of being considered as the greatest political character of his country—Willing to concede to Washington pre-eminence as a military officer, but not as a statesman—Formed a French party soon after his return from France—Accused the federalists of British partialities—Aristocratic and monarchical propensities—Proclamation of neutrality—Strongly opposed by the French party—Extracts from newspapers concerning it—Attacks upon the executive as the enemy of France—Philip Freneau and the National Gazette—Conversation between general Washington and Mr. Jefferson respecting that paper—His enmity to Washington more manifest after the Whiskey insurrection broke out—President's speech to congress, November, 1794—Allusion to democratic societies as the sources of it—Mr. Jefferson's opinion of insurrections, November, 1787—Sentiments respecting the Whiskey insurrection—Democratic societies and the Cincinnati—Judge Marshall's account of the insurrection, and its suppression—Letter to Mazzoi—to James Madison—Effects of general Washington's popularity—John Jay's corruption—Letter to Aaron Burr respecting Washington!

The federalists believed that Mr. Jefferson, although a professed friend of general Washington, was in reality his secret and malignant enemy. General Washington was probably deluded by the frequency and the warmth of Mr. Jefferson's declarations on that subject, and for a considerable time believed that he was what he professed himself to be, his sincere friend and warm admirer. If his protestations were insincere and hypocritical—and about this there seems to be but little room for doubt—it is difficult to assign a satisfactory cause for it, except those feelings

of selfishness by which very few persons were ever more uniformly influenced than himself. Mr. Jefferson's ambition was, unquestionably, to be considered and acknowledged as the greatest political and civil character of his country; and whoever stood in the way of his ambition was of course the object of his jealousy and animosity. Feelings of this kind undoubtedly were the foundation of his unrelenting enmity to general Hamilton, and led him into the long train of calumnies which have been alluded to. General Washington's military services and character, brilliant as they were, gave Mr. Jefferson no uneasiness. He had no disposition "to seek the bubble reputation at the cannon's mouth." That species of fame could not be attained but through hazards which he had no desire to encounter; and he was therefore willing general Washington should enjoy all the fame as a soldier that he had acquired. But to act the part of a statesman, to perform the duties of civil chief of the government, in his opinion, doubtless, required greater acquirements and different talents from those which the latter possessed. Hence it will appear, that notwithstanding many marked expressions of esteem and respect are scattered along in his correspondence, there is at the same time clearly discoverable, in various instances, a spirit of hostility which it is difficult to account for except upon the ground which has just been suggested.

It has been shown, that Mr. Jefferson returned from France in December, 1789, filled with enthusiasm in favor of the revolutionary movements in that kingdom. His partizans imbibed a similar spirit from him, and in a short time a strong French party was formed in this country. In order to conceal their real objects, under his tutelage they soon began to accuse those who did not adopt his senti-

ments and feelings and enroll themselves under his banner, of British partialities, and of course, of being aristocrats and monarchists. And so highly were the passions of the country roused, that there was great danger that the government would be forced into a war with one country or the other by the mere effect of party passion and collision. Foreseeing the evils which such a state of things must necessarily produce, and the calamities which a war would inevitably bring upon the country, general Washington, with that degree of firmness and independence which ever marked his conduct, published his proclamation of neutrality, which kept the country firm and steady, and checked the progress of things towards a rupture with either nation. The following account of this measure is from Marshall's Life of Washington.

"A proclamation of neutrality being deemed a measure which was rendered advisable by the situation of the United States, the attorney general was directed to prepare one in conformity with the principles which had been adopted. On the 22d of April, this instrument was laid before the cabinet, and being approved, was signed by the president and ordered to be published.

"This measure derives importance from the consideration, that it was the commencement of that system to which the American government afterwards inflexibly adhered, and to which much of the national prosperity is to be ascribed. It is not less important in another view. Being at variance with the prejudices, the feelings and the passions of a large portion of the society, and being predicated on no previous proceedings of the legislature, it presented the first occasion which was thought a fit one for openly assaulting a character around which the affections of the people had thrown an armor heretofore deem-

ed sacred, and for directly criminating the conduct of the president himself. It was only by opposing passions to passions, by bringing the feeling in favor of France into conflict with those in favor with the chief magistrate, that the enemies of the administration could hope to obtain the victory.

"For a short time, the opponents of this measure treated it with some degree of delicacy. The opposition prints occasionally glanced at the executive; considered all governments, including that of the United States, as naturally hostile to the liberties of the people; and ascribed to this disposition the combination of European governments against France, and the unconcern with which this combination was contemplated by the executive. At the same time, the most vehement declamations were published for the purpose of inflaming the public resentments against Britain; of enhancing the obligations of America to France; of confirming the opinion that the coalition of European monarchs was directed, not less against the United States than against that power to which its hostility was avowed; and that those who did not embrace this opinion were the friends of that coalition and equally the enemies of America and France.

"These publications, in the first instance sufficiently bitter, quickly assumed a highly increased degree of acrimony." (Vol. 5, page 408.)

In reference to this same subject, Mr. Pitkin, in his Political and Civil History of the United States, says:—

"The prejudices of the people against Great Britain, arising from recent as well as ancient causes of controversy, and their partialities in favor of France, were made subservient to the views of the leaders of the opposition, and brought to bear against the administration of the gen-

eral government. And though few would openly declare that the United States ought to make common cause with the new republic, yet many openly took part with the French minister against their own government, and advocated measures which, if adopted, would necessarily bring them in collision with the enemies of France. While the president was using all the means in his power to preserve his country from the calamities of war, he was accused of particular friendship for Great Britain and of hostility to France, of favoring one at the expense of the other; nay, was charged with an intention of joining the coalition against France.

"The following extracts from two of the leading and most influential opposition newspapers of the day will serve, among others of a similar character, to show the spirit which prevailed against the father of his country.

"As early as July, 1793, the National Gazette, printed at the seat of government, and edited by one of the clerks in the department of state, had the following paragraph—'The minister of France, I hope, will act with firmness and with spirit. The people are his friends or the friends of France, and he will have nothing to apprehend; for, as yet, the people are sovereign of the United States. Too much complacency is an injury done his cause, for as every advantage is already taken of France, (not by the people) further condescension may lead to further abuse. If one of the leading features of our government is pusillanimity, when the British lion shows his teeth, let France and her minister act as becomes the dignity and justice of their cause, and the honor and faith of nations.'

"It is no longer possible to doubt, said the General Advertiser, also published at Philadelphia, that the intention of the executive of the United States is, to look upon the

treaty of amity and commerce which exists between France and America, as a nullity; and that they are prepared to join the league of kings against France." (Vol. 2, page 386–7.)

This state of things occurred during the time of Genet's residence here as the minister of France. His conduct, it is well known, was marked with such a degree of violence, illegality and insolence, that it became impossible, consistently with any regard to national dignity, for the administration to hold any official intercourse or correspondence with him; and he was at length at their request recalled by his own government. Whilst here, and recognized as the representative of the French government, among other things, he undertook the task of establishing "democratic societies" in several of the large towns and cities, in imitation of the jacobin clubs of his own country, in the expectation that these institutions would be able to exert the same influence in the United States that their progenitors had exercised in France—that is, to overawe and control the government. This was to be brought about by inflaming the popular passions, and enkindling popular resentment against their own government. Such was the source of jacobinical influence and dominion; and as it had succeeded in that nation, it was taken for granted that it would prove equally successful here. That they were favored by Mr. Jefferson is perfectly clear from his own works; and was no secret at the time of their formation and operations. The passage quoted above from the National Gazette, taken in connection with other facts, is sufficient evidence of the truth of this remark. The editor of that paper was Philip Freneau, a clerk in the office of the secretary of state, whilst Mr. Jefferson occupied that important station. Under the direction of this man, who

received a salary from the public treasury, that paper was one of the most violent and virulent among the democratic journals in its attacks not only upon federalists and the government, but upon general Washington himself. This Mr. Jefferson was perfectly aware of, for it was done under his own eye, and by one who was employed by him in the public service. In the 4th volume of his works, page 485, is the following passage:—

"May the 23d. I had sent to the president, yesterday, draughts of a letter from him to the provisory executive council of France, and of one from myself to Mr. Ternant, both on the occasion of his recall. I called on him to-day. He said there was an expression in one of them which he had never before seen in any of our public communications, to wit, "*our republic.*" The letter prepared for him to the council, begun thus: 'The citizen Ternant has delivered to me the letter wherein you inform me, that yielding, &c., you had determined to recall him from his mission as your minister plenipotentiary to *our republic.*' He had underscored the words *our republic.* He said that certainly ours was a republican government, but yet we had not used that style in this way; that if anybody wanted to change its form into a monarchy, he was sure it was only a few individuals, and that no man in the United States would set his face against it more than himself: but that this was not what he was afraid of; his fears were from another quarter; that there was more danger of anarchy being introduced. He adverted to a piece in Freneau's paper of yesterday.; he said he despised all their attacks on him personally, but that there never had been an act of the government, not meaning in the executive line only, but in any line, which that paper had not abused. He was evidently sore and warm, and I took his intention to be,

that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. *But I will not do it. His paper has saved our constitution, which was galloping fast into monarchy,* and has been checked by no one means so powerfully as by that paper. It is well and universally known, that it has been that paper which has checked the career of the monocrats; and the president, not sensible of the designs of the party, has not, with his usual good sense and *sang froid*, looked on the efforts and effects of this free press and seen that though some bad things have passed through it to the public, yet the good has preponderated immensely."

This was the man who was constantly avowing the highest esteem, respect and even friendship for general Washington, who was little short of sycophantic in his professions of regard, but who was fostering at the public expense a worthless, unprincipled tool of his own, and furnishing him, by favor of his own patronage, with the means and opportunity of vilifying the man whom he pretended so much to admire as his own friend and the great benefactor of his country. Nay, even upon discovering that general Washington "was evidently chafed" at being the object of such unmerited abuse, and that he was desirous of Mr. Jefferson's interference to put an end to such calumnies, and "*perhaps*" that he should dismiss Freneau from his service, he says, with a manifest air of gratification, "I will not do it. His paper has saved our constitution, which was galloping fast into monarchy." Is not this decisive proof that Mr. Jefferson was the secret but determined enemy of Washington?

This spirit of hostility towards general Washington shows itself in Mr. Jefferson's correspondence more distinctly after the breaking out and suppression of what

has been called the "whisky insurrection," in Pennsylvania. After that disturbance had been quelled by a military force, congress came together, viz., in November, 1794. General Washington in his speech at the opening of the session, after adverting to the insurrection, and in the language of judge Marshall,—

"After bestowing a high encomium on the alacrity and promptitude with which persons in every station had come forward to assert the dignity of the laws, thereby furnishing an additional proof that they understood the true principles of government and liberty, and felt their inseparable union, he added,—

"'To every description indeed of citizens, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness —the constitution of the United States. And when in the calm moments of reflection they shall have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented *by combinations of men* who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies and accusations of the whole government.'"*

This attack on democratic societies as having had an agency in producing the insurrection, was not to be pardoned by Mr. Jefferson. Insurrections were an important part of his political system. In a letter to colonel Smith, dated at Paris, November 13, 1787, (vol. 2, page 267 of his works,) he says, "The British ministry have so long hired their gazetteers to repeat and model into every form lies about our being in anarchy, that the world

* Life of Washington, vol. 5. p. 596—7.

has at length believed them, the ministers themselves have come to believe them, and what is more wonderful we have believed them ourselves. Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusetts? And can history produce an instance of *rebellion so honorably conducted?* I say nothing of its motives. They were founded in ignorance, not wickedness. God forbid we should ever be twenty years without such a rebellion. The people cannot be all and always well informed. The part which is wrong will be discontented in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions it is *a lethargy*, the *forerunner of death to the public liberty*. We have had thirteen states independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half for each state. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance. Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants; it is its natural manure."

It was not to be expected that the man who could talk in this flippant and cold-hearted manner about Shays's insurrection, or of rebellion in the abstract, would manifest any uneasiness or regret at the whisky disturbance; and when he found that general Washington made it the ground of serious charge against his favorite machinery, it was very natural for him to complain and manifest symptoms of resentment.

"The denunciation of the democratic societies," says he, "is one of the extraordinary acts of boldness of which we have seen so many from *the faction of monocrats.* It is wonderful, indeed, that the president should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing and publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the republican principles of our constitution, and the society of the Cincinnati, or *self-created* one, carving out for itself hereditary distinctions, lowering over our constitution eternally, meeting together in all parts of the Union periodically with closed doors, accumulating a capital in their separate treasury, corresponding secretly and regularly, and of which society the very persons denouncing the democrats are themselves the fathers, founders and high officers. Their sight must be perfectly dazzled by the glittering of crowns and coronets not to see the extravagance of the proposition to *suppress the friends of general freedom*, while those who wish to confine that freedom to the few are permitted to go on in their principles and practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe that, as far as the circle of my observation and information extends, every body has lost sight of them, and views the abstract attempt on *their natural and constitutional rights* in all its nakedness. I have never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the excise law it appears to me that you

are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been *anything more than riotous*. There was, indeed, a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination; but we shall see, I suppose, what the court lawyers and courtly judges and would-be ambassadors will make of it. The excise law is an infernal one. The first error was to admit it by the constitution; the second, to act on that admission; the third, and last, will be, to make it the instrument of dismembering the Union, and setting us all afloat to choose what part of it we will adhere to. The information of our militia returned from the westward is uniform that, though the people there let them pass quietly, they were objects of their laughter not of their fear; that one thousand men could have cut off their whole force in a thousand places in the Allegany; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; and that separation which, perhaps, was a very distant and problematical event, is now near and certain and determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies and rising at a feather against our friends; of adding a million to the public debt and deriding us with recommendations to pay it if we can, &c., &c. But the part of the speech which was to be taken as a justification of the armament,

reminded me of Parson Saunders's demonstration why *minus* into *minus* makes *plus*. After a parcel of shreds of stuff from Æsop's Fables and Tom Thumb he jumps all at once into his *ergo*, *minus* multiplied into *minus* makes *plus*. Just so the fifteen thousand men enter after the fables into the speech." *

It will be recollected that this whole passage is intended to be a direct and severe attack upon general Washington; and this founded altogether upon the measures adopted under his direction, to suppress the insurrection, and to ridicule the remarks contained in his speech respecting the democratic societies. Mr. Jefferson calls those remarks an attack on the freedom of discussion, writing, printing and publishing. It is a difficult thing to ascertain how a denunciation, as he calls the speech, of those associations had anything to do with the freedom of discussion, or writing, or printing, or publishing. But, as it was the practice among his followers, to take everything that he said for truth, and without the trouble of examination, he doubtless presumed this declaration would be treated in the same manner, and therefore thought it expedient to make the general charge against the president. He alleges, too, that the avowed object of those societies was, "*to nourish* the republican principle of *our constitution;*" and to show the difference between them and the society of the Cincinnati, he accuses the latter of "carving out for itself hereditary distinctions, lowering over the constitution eternally," &c., of which society he says, "the very persons denouncing the democrats are themselves the fathers, founders, and high officers." General Washington was the president of the general society of the Cincinnati—it had been in existence more than ten years when this let-

* Jefferson's Works, vol. 3, page 307.

ter was written. It has existed now more than fifty years. Whatever was the avowed or real object of the democratic societies, established under the supervision and auspices of one of the most impudent, factious, insolent, and mischievous diplomatists that ever visited or disturbed the peace of any government or country. Mr. Jefferson never saw the day, and he lived to a very advanced age, when he could point to a single act or measure of the Cincinnati which in the slightest degree infringed upon the rights, liberties, or privileges of the people of the United States. The charge, coming from such a source, and on such an occasion, shows how little regard its author had to truth or justice, when urged on to any course of conduct by apprehensions of danger to his own interest or popularity. He professed to respect and esteem general Washington, and was very lavish of his expressions of regard whenever occasion called for them. But the moment that upright, independent and virtuous magistrate, in the performance of his official duties, found himself under the necessity of putting a check to the progress of a mischievous faction, led by an unprincipled foreigner, in the garb of a minister plenipotentiary, that moment he was denounced as an enemy to republicanism, and to the common rights and liberties of the inhabitants of the country. The truth was, a formidable insurrection against the laws of the United States had broken out in Pennsylvania, of which judge Marshall gives the following account. After stating what had previously occurred, he says :—

"Charging himself with the service of these processes, the marshal repaired in person to the country which was the scene of these disorders. On the 16th of July, while employed in the execution of his duty, he was beset on the road by a body of armed men, who fired on him, but for-

tunately did him no personal injury. At day-break, the ensuing morning, a party attacked the house of general Nevil, the inspector; but he defended himself resolutely, and obliged the assailants to retreat.

"Knowing well that this attack had been pre-concerted, and consequently apprehending that it would be repeated, he applied to the militia officers and magistrates of the county for protection. The answer was, that 'owing to the too general combination of the people to oppose the revenue system, the laws could not be executed so as to afford him protection: that should the *posse comitatus* be ordered out to support the civil authority, few could be gotten that were not of the party of the rioters.'

"On the succeeding day, the insurgents reassembled to the number of about five hundred to renew their attack on the house of the inspector. On finding that no protection could be afforded by the civil authority, he had applied to the commanding officer at Fort Pitt, and had obtained a detachment of eleven men from the garrison, who were joined by major Kirkpatrick. Successful resistance to so great a force being obviously impracticable, a parley took place, at which the assailants, after requiring that the inspector and all his papers should be delivered up, demanded that the party in the house should march out and ground their arms. This being refused, the parley terminated, and the assault commenced. The action lasted until the assailants set fire to several adjacent buildings, the heat from which was so intense that the house could no longer be occupied. From this cause, and from the apprehension that the fire would soon be communicated to the main building, major Kirkpatrick and his party surrendered themselves.

"The marshal and colonel Pressly Nevil were seized

on their way to general Nevil's house, and detained until two the next morning. The marshal, especially, was treated with extreme rudeness. His life was frequently threatened, and was probably saved by the interposition of some leading characters who possessed more humanity or more prudence than those with whom they were associated. He could only obtain his safety or liberty by entering into a solemn engagement, which was guaranteed by colonel Nevil, to serve no more process on the western side of the Allegany mountains.

"The marshal and inspector having both retired to Pittsburg, the insurgents deputed two of their body, one of whom was a justice of the peace, to demand that the former should surrender all his process, and that the latter should resign his office; threatening in case of refusal, to attack the place, and seize their persons. These demands were not acceded to; but Pittsburg affording no security, these officers escaped from the danger which threatened them by descending the Ohio; after which theyf ound their way by a circuitous route to the seat of government.

"The perpetrators of these treasonable practices would, of course, be desirous to ascertain their strength, and to discover any latent enemies who might remain unsuspected in the bosom of the disaffected country. To obtain this information, the mail from Pittsburg to Philadelphia was stopped by armed men, who cut it open, and took out the letters which it contained. In some of these letters, a direct disapprobation of the violent measures which had been adopted was openly avowed; and in others, expressions were used which indicated unfriendly dispositions towards them. Upon acquiring this intelligence, delegates were deputed from the town of Washington to Pittsburg, where the writers of the offensive letters resided, to de-

mand the banishment of the offenders. A prompt obedience to this demand was unavoidable; and the inhabitants of Pittsburg, who were convened on the occasion, engaged to attend a general meeting of the people, who were to assemble the next day in Braddock's field, in order to carry into effect such further measures as might be deemed advisable with respect to the excise and its advocates. They also determined to elect delegates to a convention which was to meet on the 14th of August at Parkinson's ferry. The avowed motives to these outrages were to compel the resignation of all officers engaged in the collection of the duties on distilled spirits; to withstand by force of arms the authority of the United States, and thereby to extort a repeal of the law imposing those duties, and an alteration in the conduct of the government.

"Affidavits attesting this serious state of things were laid before the executive."*

Although the government had endeavored for more than three years to conciliate this spirit, but without success, and it had become absolutely necessary to suppress it or to let the power of the nation fall before it, presenting an alternative respecting which George Washington could not for a moment hesitate; yet, before proceeding to extremities, he moved towards his ultimate object with the utmost caution, taking every step required by law, and finally issuing a proclamation, in which, after recapitulating the measures which the government had adopted, he informed the insurgents that in his judgment it "was necessary to take measures for calling forth the militia in order to suppress the combinations aforesaid, and to cause the laws to be duly executed, and he had accordingly determined so to do; feeling the deepest regret for the occasion, but with-

* Life of Washington, vol. 5, page 583.

al the most solemn conviction that the essential interests of the Union demanded it; that the very existence of government, and the fundamental principles of social order were involved in the issue; and that the patriotism and firmness of all good citizens were seriously called upon to aid in the suppression of so fatal a spirit."*

After noticing the measures taken to order out a body of militia, judge Marshall says:—

"Meanwhile the insurgents omitted nothing which might enlarge the circle of disaffection. Attempts were made to embark the adjacent counties of Virginia in their cause, and their violence was extended to Morgantown, at which place an inspector resided, who saved himself by flight, and protected his property by advertising on his own door that he had resigned his office. They also made similar excursions into the contiguous counties of Pennsylvania lying east of the Allegany mountains where numbers were ready to join them. These deluded men, giving too much faith to the publications of democratic societies, and to the furious sentiments of general hostility to the administration, and particularly to the internal taxes, with which the papers in the opposition abounded, seem to have entertained the opinion, that the great body of the people were ready to take up arms against their government, and that the resistance commenced by them would spread throughout the Union, and might terminate in a revolution."†

This is a concise history of the proceedings for the suppression of this formidable insurrection,—a disturbance which Mr. Jefferson, in the quotation from a letter addressed to James Madison, speaks of as an affair which,

* Life of Washington, vol. 5, page 585.

† Life of Washington, vol. 5, page 586.

according to the definitions of law, was nothing more than riotous. He acknowledges, indeed, that there was a meeting to consult about a separation of the Union; but he says, "*to consult* on a question, does not amount to *a determination* of that question in the affirmation, still less to the acting on such a determination." But, he says "we shall see what court lawyers, and courtly judges, and would-be ambassadors will make of it." And then he adds, as a decisive proof of his feelings towards the case, and especially towards the government, which had taken measures to suppress it, "*The excise law is an infernal one.*"

The course pursued and the measures resorted to by general Washington for putting down this insurrection, which, as has been seen, threatened the very existence of the Union and the government, indicated not only great firmness in the performance of his official duty, but a high degree of attachment to the constitution and country, as well as a manifestation of public spirit and patriotism—but it is very apparent, that when he stood in the way of Mr. Jefferson's notions of freedom, and showed a disposition to still the turbulent waves of his "tempestuous sea of liberty," his professions of friendship and admiration vanished into air; and he was so much disturbed at seeing the influence of the jacobin clubs of this country destroyed that he expected, in a case in which the president merited and received from all the real friends of the constitution and government the warmest testimonials of approbation, "some justification for arming one part of society against another; of declaring civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends."

Having, as has been shown, entered upon the task of calumniating general Washington, Mr. Jefferson afterwards became more direct in his attacks upon his reputation. In his famous letter to Mazzoi, he charges him explicitly with belonging to an Anglo-monarchic-aristocratic party. "We have," says he, "against us (*republicans*) the *executive power*." General Washington constituting at that time the executive branch of the government, there is no room for Mr. Jefferson to escape from the charge of slandering that great man. Even in the version of this letter, as published in his works since his death, and which was manifestly prepared for the inspection of the public and of future generations, he does not attempt to explain away this expression. He says "against us republicans are the *executive*, the judiciary," &c. In both, the accusation, in plain terms, is, *that general Washington had become an English monarchist and aristocrat in his feelings and sentiments*, and of course was opposed to Mr. Jefferson and his friends, who were republicans. No man who was as well acquainted with general Washington's history as Mr. Jefferson was, and possessed common honesty, could have charged him with monarchical principles, or anti-republican propensities. And yet here such a charge is directly made by a man thoroughly informed of his character and conduct—one who professed himself to be his sincere friend and ardent admirer. A specimen of the warmth of his manner of making professions to him, before the date of the Mazzoi letter, may be found in the third volume of his works, page 306, in a letter to the secretary of state, dated September 7, 1794—about a year and a half before the date of the Mazzoi letter, and a little more than three months before the date of the letter on the denunciation of democratic societies, and the whisky insurrection—"It is

a great pleasure to me," says he, "to retain the esteem and approbation of the president, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments and a thousand more to him which my situation does not permit me to go into."

In a letter to James Madison, however, dated March 27, 1796, just before the date of the Mazzei letter, when urging that gentleman to the adoption of certain principles in relation to the treaty-making power in the constitution, and in allusion to Mr. Jay's treaty, as it is commonly called, he says,—"If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used if not in one where the rights, the interest, the honor and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. *I wish that his honesty and his political errors* may not furnish a second occasion to exclaim, '*curse on his virtues, they have undone his country.*'"

The "first agent," here, who is charged with "avarice and corruption," undoubtedly means John Jay, who negotiated the treaty which called forth this ebullition of froth and passion. Mr. Jay was one of the most pure, disinterested, public-spirited, able and virtuous patriots and states-

men which this country ever produced; and who, in this very instance, negotiated one of the most valuable treaties that the United States have ever entered into with any foreign power. And it was for assenting to and signing this treaty, that Mr. Jefferson broke out in the manner above recited. The secret of his opposition to this treaty was, an impression he had imbibed that it was favorable to Great Britain and of course injurious to France; and that consideration alone was sufficient to give rise to his hostility to it, and to excite a spirit of enmity to general Washington himself, even if it had not previously existed.

But Mr. Jefferson's correspondence contains further evidence that he was hollow-hearted in his professions of friendship for general Washington. In a letter to colonel Burr, dated June 17, 1797, he says:—

"I had always hoped that the popularity of the late president being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the executive and legislative departments, which had been *destroyed by the superior weight and effect of that popularity;* and that their natural feelings of moral obligation would discountenance *the ungrateful predilection of the executive in favor of Great Britain.* But, unfortunately, the preceding measures had already alienated the nation who were the object of them, had excited reaction from them, and this reaction has on the minds of our citizens an effect which supplies that of the Washington popularity. This effect was sensible on some of the late congressional elections, and this it is which has lessened the republican majority in congress. When it will be reinforced must depend on events, and these are so incalculable that I consider the future character of our republic as in the air; indeed its future for-

tune will be in the air if war is made on us by France, and if Louisiana becomes a Gallo-American colony."

It is perfectly obvious that Mr. Jefferson considered general Washington's popularity—notwithstanding it was the result of greater public services than any other man ever rendered the country, and was founded upon the purest morals, the utmost disinterestedness, and the highest degree of personal worth and political integrity and virtue—as a great public calamity; and the evil consisted in the fact, that we had been preserved from a close and intimate alliance with France during the most stormy and sanguinary periods of her revolutionary career. And he mourns, with great apparent sincerity, that his relinquishment of public office and return to private life had not been attended with the consequences that he had anticipated; for the people had not so suddenly forgotten his eminent services, and their obligations to him for benefits which no other man ever had rendered, and which there was very little probability that any other man would ever have it in his power to render to the country. The truth was, the people had not, at their elections, strengthened the democratic party in the house of representatives as he expected, which was what he meant by restoring the equilibrium between the executive and legislative departments.

Having seen what sentiments Mr. Jefferson at different times entertained of general Washington's measures and conduct, the charge of monarchical principles directly alleged against him in the letter to Mazzei, the support afforded Freneau in carrying on his newspaper, in which general Washington was constantly and grossly traduced as being under British influence, having British principles and propensities, with being, in Mr. Jefferson's own language, an Anglo-man, and, in frequent suggestions, that

his object was to change our republican system into a monarchical one—what will every frank, upright, unbiased mind think of this great professed champion of republicanism, freedom, and all that goes to make the *man of the people*, at hearing him say in a letter to Mr. Melish, dated January 13, 1813,—

"You expected to discover the difference of our party principles in general Washington's valedictory and my inaugural address. Not at all. *General Washington did not harbor one principle of federalism.* He was neither an Anglo-man, a monarchist nor a separatist. He sincerely wished the people to have as much self-government as they were competent to exercise themselves. The *only point on which he and I ever differed in opinion* was, that I had more confidence than he had in the natural integrity and discretion of the people, and in the safety and extent to which they might trust themselves with a control over their government. He has asseverated to me a thousand times his determination that the existing government should have a fair trial, and that in support of it he would spend the last drop of his blood. He did this the more repeatedly because he knew general Hamilton's political bias and my apprehensions from it. It is a mere calumny, therefore, in the monarchists to associate general Washington with their principles. But that may have happened in this case which has been often seen in ordinary cases, that, by often *repeating an untruth men come to believe it themselves.* It is a mere artifice in this party to bolster themselves up on *the revered name* of that first of our worthies." *

"The only point on which he and I ever differed in opinion was, that I had more confidence than he in the

* Jefferson's Works, vol. 5, page 185.

natural integrity of the people, and in the safety and extent to which they might trust themselves with a control over their government." Did not general Washington and he differ about the funding system, the assumption of the state debts, on the proclamation of neutrality, on the British treaty, on the necessity of suppressing the whisky insurrection and the means adopted for that purpose? Whether Mr. Jefferson came to this conclusion by often repeating the same idea until he believed it, according to the rule mentioned in the foregoing extract, or not, cannot now be determined; but it appears to be a case that falls very naturally within the scope of the maxim he has there laid down.

CHAPTER IX.

Mr. Jefferson afraid to attack general Washington's character openly—Letter to W. Jones, January, 1814, a specimen of his insidiousness—Great body of republicans think of Washington as he does—His belief that we should eventually come to something like the British constitution had some weight in his adopting levees, &c.—Pains taken by the federalists to make him view Jefferson as a theorist, &c.—Jefferson never saw Washington after the former left the state department, otherwise these impressions would have been dissipated—Letter from Jefferson to M. Van Buren, June, 1824—Notice of charges in a work published by T. Pickering—Letter to Mazzei—Not a word in that letter that would not be approved by every republican in the United States—Not a word in that letter about France—By forms of British government was meant levees, &c.—Subject of ceremonies at Washington's second election referred to heads of departments—Jefferson and Hamilton thought there was too much ceremony—The phrase, "*Samson's in the field,*" meant the society of the Cincinnati—Jefferson says general Washington knew this—Never had any reason to believe that general Washington's feelings towards him ever changed—Washington a sincere friend to the republican principle—Knew Jefferson's suspicions of Hamilton—After the retirement of his first cabinet, general Washington fell into federal hands—Remarks on this letter.

That Mr. Jefferson was afraid to run the risk of openly attacking general Washington's principles or character is beyond a doubt. But that he took every opportunity, by insinuations, suggestions, and various other means which no other man ever knew how to employ with so much effect, to depreciate his understanding and talents, to lower him in the estimation of those with whom he was inti-

mate, to make him the object of party animosity and newspaper rancor and calumny—and this with so much art and address as to make it appear to a cursory observer that he was his sincere admirer and friend—cannot be doubted.

And such was emphatically the course which he pursued towards his memory when he was preparing materials for future generations to read, and which he doubtless intended should form the basis of their opinions respecting his own talents and character. At page 234 of the fourth volume of his posthumous works is a letter to Dr. Walter Jones, dated January 2, 1814, which furnishes a remarkable specimen of the manner in which Mr. Jefferson could exercise his ingenuity in praising general Washington in one breath and in taking off the force of what he had said in his favor in the next. It is as follows: —

"You say that in *taking general Washington on your shoulders* to bear him harmless through the federal coalition, you encounter a perilous topic. I do not think so. You have given the genuine history of the course of his mind through the trying scenes in which it was engaged, and of the seductions by which it was deceived but not depraved. I think I knew general Washington intimately and thoroughly, and were I called on to delineate his character it should be in terms like these.

"His mind was great and powerful, though *not so acute as that of a Newton, Bacon or Locke;* and *as far as he saw* no judgment ever was sounder. It was *slow in operation*, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers of the advantages he derived from councils of war where, hearing all suggestions, he selected whatever was best; and certainly no general ever planned his battles more judiciously. But *if deranged during the course of*

the action, if any member of his plan was dislocated by sudden circumstances, he was slow in readjustment. The consequence was, that he *often failed in the field*, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration was maturely weighed; refraining if he saw a doubt, but, when once decided, going through with his purpose whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known—no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man. His temper was naturally irritable and high-toned, but reflection and resolution had obtained a firm and habitual ascendency over it. If ever, however, it broke its bonds, he was *most tremendous in his wrath.* In his expenses he was honorable, but exact; liberal in contributions to whatever promised utility, but frowning and unyielding on all visionary projects and all unworthy calls on his charity. *His heart was not warm in its affections*, but he exactly calculated every man's value and gave him a solid esteem proportioned to it. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation, *his colloquial talents were not above mediocrity, possessing neither copiousness of ideas nor fluency of words.* In public, when called on for a sudden opinion, *he was unready, short and embarrassed.* Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, *for his education was merely reading, writing and common arithmetic*, to which he

added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and with journalizing his agricultural proceedings occupied most of his leisure hours within doors. On the whole, his character was, in its mass, perfect, in nothing bad, in few points *indifferent;* and it may truly be said, that never did nature and fortune combine more perfectly to make a man great and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and *of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example.*

"How then can it be perilous for you to take such a man *on your shoulders?* I am satisfied the great body of republicans think of him as I do. We were, indeed, *dissatisfied with him* on his ratification of the British treaty. But this was short-lived. We knew his honesty, the *wiles with which he was encompassed,* and that *age had already begun to relax the firmness of his purposes;* and I am convinced he is more deeply seated in *the love and gratitude of the republicans* than in the pharisaical homage of the federal monarchists. For *he was no monarchist from preference of his judgment.* The soundness of that gave him correct views of the rights of man, and his severe justice devoted him to them. He has often declared to me that he considered our new constitution as an ex-

periment on the practicability of republican government, and with what dose of liberty man could be trusted for his own good; that he was determined the experiment should have a fair trial, and would lose the last drop of his blood in support of it. And these declarations he repeated to me the oftener and the more pointedly, because he knew my suspicions of colonel Hamilton's views, and probably had heard from him the same declarations which I had, to wit, 'that the British constitution, with its unequal representation, corruption and other existing abuses, was the most perfect government which had ever been established on earth, and that a reformation of these abuses would make it an impracticable government.' *He was naturally distrustful of men* and inclined to gloomy apprehensions; and I was ever persuaded that a belief that we must at length *end in something like a British constitution*, had some weight in his adoption of the *ceremonies of levees, birth-days, pompous meetings with congress, and other forms of the same character calculated to prepare us gradually for a change which he believed possible*, and to let it come on *with as little shock as might be* to the public mind.

"These are my opinions of general Washington which I would vouch at the judgment seat of God, having been formed on an acquaintance of thirty years. I served with him in the Virginia legislature from 1769 to the revolutionary war, and again a short time in congress until he left us to take command of the army. During the war and after it we corresponded occasionally, and in the four years of my continuance in the office of secretary of state our intercourse was daily, confidential and cordial. After I retired from that office, great and malignant pains were taken by our federal monarchists, *and not entirely*

without effect, to make him view me as a theorist, holding French principles of government which would lead infallibly to licentiousness and anarchy. And to this he listened the more easily from my known disapprobation of the British treaty. I never saw him afterwards or these malignant insinuations should have been dissipated before his just judgment as mists before the sun. I felt on his death, with my countrymen, that 'verily a great man hath this day fallen in Israel.'"

It is a little remarkable that if general Washington had determined to lose the last drop of his blood, if necessary to a fair experiment of our republican system of government, that he should, at the same time, feel so little confidence in it as to believe that we must at last end in something like a British constitution, and, under this belief, that he was gradually preparing the minds of the people for its introduction so as not to produce too great a shock to their feelings. The suggestion is preposterous, and the measures which are mentioned as having been adopted for that purpose absurd and ridiculous. Could general Washington have ever been so weak as to imagine that levees, and birth-nights, and pompous meetings with congress, would have a tendency to reconcile the people of the United States to the establishment of a monarchy? The idea is probably repeated in this letter for the purpose of giving additional force to the remarks made in a letter to Mr. Madison, dated August 3, 1797, on the appearance in this country of the Mazzei letter, in which Mr. Jefferson endeavors to get rid of the natural construction put upon an expression in that singular document, in which he charges the Anglo-monarchical party (meaning the federalists) with endeavoring to draw over us the substance, as they had done the form, (or, as he says in explanation,

the forms,) of the British constitution. To get rid of the obvious meaning of this passage, viz., that by the expression *giving us the form of the British constitution*, he had reference to our constitution, he insists that the word should have been *forms*, and that he referred entirely to levees, birth-nights and pompous inauguration processions, &c. Before this explanation is admitted as satisfactory, it must be acknowledged that Mr. Jefferson must not only have held the understanding of the people at large, but that of general Washington and his associates, in absolute contempt; otherwise he would not have supposed that the former could have been imposed upon by so shallow a pretence, and that the latter must have been no better than mere dolts to have flattered themselves that a monarchy could ever have been brought to pass by such ridiculous means. This explanation, however, was prepared for future history, and not intended to be made public until after his death. And as it was done late in life, when age had, in some measure at least, impaired his faculties, his discernment probably was not as acute as it had once been. If this is not the true solution of the difficulty, if he was in possession of his full powers of mind when he wrote this letter and laid it by for posthumous use, he must have believed that he had obtained such an ascendency over the understandings as well as the feelings and passions of men that they would believe anything he should tell them, however preposterous in itself or how little soever it might be supported by fact or reason.

Nor is the explanation of the cause of general Washington's alienation from Mr. Jefferson in any respect more satisfactory. The charge of being "a theorist," and "holding French principles of government," was not made for the first time after he retired from the office of secretary of

state. It was openly preferred against him, by the friends of the constitution of the United States and the supporters of general Washington's administration, from the beginning; and his works show that it was well founded. And it was impossible in the nature of things that general Washington should not have been fully informed on the subject; and if his judgment was as sound and his justice as inflexible as is averred in the letter to Dr. Jones, it must have followed that he saw, felt, and of course admitted its correctness. There is no room for doubt, as will hereafter be made manifest, that it was the appearance of the Mazzei letter which produced the coolness on the part of general Washington. That great and virtuous man was not formed to submit patiently to so unfounded and so base an imputation from one in whom he had confided and for whom he had entertained feelings both of respect and friendship, as that of being a monarchist in principle, and of course of secretly aiming to undermine and destroy the republican government and institutions of his country which he had made such unexampled efforts and sacrifices to establish, and which he had repeatedly, in the most public and solemn manner, sworn to support. Such a charge implied an accusation of deep and detestable hypocrisy, as well as a total want of both moral and political integrity on his part; and if there was any one species of offence which was more abhorrent to his nature than any other, it was that of hypocrisy.

In the 4th volume of Mr. Jefferson's Works (page 399,) is a letter to Martin Van Buren, dated June 29, 1824. It acknowledges the receipt of one from Mr. Van Buren, communicating to Mr. Jefferson a book published by colonel Timothy Pickering, containing strictures upon a work that had been printed by Mr. John Adams, formerly president

of the United States. In his book, colonel Pickering had noticed Mr. Adams's publication, and in the course of his remarks referred to Mr. Jefferson, which drew from him the principal part of this letter. The following is an extract from it:—

"The other allegation is equally false. In page 34, he quotes Dr. Stuart as having, twenty years ago, informed him that general Washington, 'when he became a private citizen,' called me to account for expressions in a letter to Mazzei, requiring, in a tone of unusual severity, an explanation of that letter. He adds of himself, 'in what manner the latter humbled himself and appeased the just resentment of Washington will never be known, as some time after his death, the correspondence was not to be found, and a diary for an important period of his presidency was also missing.' The diary being of transactions during his presidency, the letter to Mazzoi not known here until some time *after he became a private citizen*, and the pretended correspondence of course after that—I know not why this lost diary and supposed correspondence are brought together here, unless for insinuations worthy of the letter itself. The correspondence could not be found, indeed, because it had never existed. I do affirm, that *there never passed a word, written or verbal, directly or indirectly, between general Washington and myself on the subject of that letter*. He would never have degraded himself so far as to take to himself the imputation in that letter on the 'Samsons in combat.' The whole story is a fabrication, and I defy the framers of it, and all mankind, to produce a scrip of a pen between general Washington and myself on the subject, or any other evidence more worthy of credit than the suspicions, suppositions and presumptions of the two persons here quoting and quoted for

it. With Dr. Stuart I had not much acquaintance. I supposed him to be an honest man, knew him to be a very weak one, and like Mr. Pickering, very prone to antipathies, boiling with party passions, and under the dominion of these readily welcoming fancies for facts. But, come the story from whomsoever it might, it is an unqualified falsehood.

"This letter to Mazzei has been a precious theme of crimination for federal malice. It was a long letter of business, in which was inserted a single paragraph only of political information as to the state of our country. In this information there was not one word which would not then have been, or would not now be approved by every republican in the United States, looking back to those times, as you will see by a faithful copy now enclosed of the whole of what that letter said on the subject of the United States or of its government. This paragraph, extracted and translated, got into a Paris paper at a time when the persons in power there were laboring under very general disfavor, and their friends were eager to catch even at straws to buoy them up. To them, therefore, I have always imputed the interpolation of an entire paragraph additional to mine, which makes me charge my own country with ingratitude and injustice to France.* There was not a word in my

* Mr. Jefferson roundly asserts that there was not a word in his letter to Mazzei respecting France, and that the passage in it, as first published in this country, which speaks of our *ingratitude to France*, was an interpolation. On the truth of this declaration, the public will form their own conclusions. That such a passage should have been fabricated is, to say the least, extraordinary, and in the author's view, extremely improbable; especially, when the whole drift of his feelings and sentiments with respect to that nation is taken into consideration, and when we find him on other occasions expressing a similar sentiment respecting our indebted-

letter respecting France or any of the proceedings or relations between this country and that. Yet this interpolated paragraph has been the burden of federal calumny, has been constantly quoted by them, made the subject of unceasing and virulent abuse, and is still quoted, as you see by Mr. Pickering, (page 33,) as if it were genuine and really written by me. And even judge Marshall makes history descend from its dignity, and the ermine from its sanctity, to exaggerate, to record and to sanction this forgery. In the very last note of his book, he says, 'a letter from Mr. Jefferson to Mr. Mazzei, an Italian, was published in Florence, and republished in the Moniteur, with very severe strictures on the conduct of the United States.' And instead of the letter itself, he copies what he says are the remarks of the editor, which are an exaggerated commentary on the fabricated paragraph itself, and silently leaves to his reader to make the ready inference that these were the sentiments of the letter. Proof is the duty of the affirmative side. A negative cannot be possibly proved. But, in defect of impossible proof of what was not in the original letter, I have a press copy still in my possession. It has been shown to several, and is open to any one who wishes to see it. I have presumed only that the interpolation was done in Paris. But I never saw the letter in either its Italian or French dress, and it may have been done here, with the commentary handed down to

ness to France. In a letter to Arthur Campbell, dated September 1, 1797, not quite a month after that to Mr. Madison requesting his advice how to act concerning this very letter to Mazzei, he says, "It is true that a party has risen up among us, endeavoring to separate us from all friendly connection with France, to unite our destinies with those of Great Britain, and to assimilate our government to theirs." "*We owe gratitude* to France, justice to England, good will to all, and subservience to none."

posterity by the judge. The genuine paragraph, re-translated through Italian and French into English, as it appeared here in a federal paper, besides the mutilated hue which these translations and re-translations of it produced generally, gave a mistranslation of a single word, which entirely perverted its meaning and made it a pliant and fertile text of misrepresentation of my political principles. The original, speaking of an Anglican, monarchical and aristocratical party which had sprung up since he left us, states their object to be 'to draw over us the substance, as they had already done the *forms* of the British government.' Now the forms here meant were the levees, birthdays, the pompous cavalcade to the state house on the meeting of congress, the formal speech from the throne, the procession of congress in a body to re-echo the speech in an answer, &c. &c. But the translator here, by substituting *form* in the singular number for *forms* in the plural, made it mean the frame or organization of our government, or its form of legislative, executive and judiciary authorities, co-ordinate and independent: to which *form* it was inferred that I was to be an enemy. In this sense they always quoted it, and in this sense Mr. Pickering still quotes it, (pages 34, 35, 38,) and countenances the inference. Now general Washington perfectly understood what I meant by these forms, as they were frequent subjects of conversation between us. When, on my return from Europe, I joined the government in March, 1790, at New York, I was much astonished, indeed, at the mimicry I found established of royal forms and ceremonies, and more alarmed at the unexpected phenomenon, by the monarchical sentiments I heard expressed and openly maintained in every company, and among others by the high members of the government, executive and judiciary (gen-

eral Washington alone excepted,) and by a great part of the legislature, save only some members who had been of the old congress and a very few of recent introduction. I took occasion, at various times, of expressing to general Washington my disappointment at the symptoms of a change of principle, and that I thought them encouraged by the forms and ceremonies which I found prevailing, not at all in character with the simplicity of republican government, and looking as if wishfully to those of European courts. His general explanations to me were, that when he arrived at New York to enter on the executive administration of the new government, he observed to those who were to assist him, that placed as he was in an office entirely new to him, unacquainted with the forms and ceremonies of other governments, still less apprized of those which might be properly established here, and himself perfectly indifferent to all forms, he wished them to consider and prescribe what they should be; and the task was assigned particularly to general Knox, a man of parade, and to colonel Humphreys, who had resided some time at a foreign court. They, he said, were the authors of the present regulations, and that others were proposed so highly strained that he absolutely rejected them. Attentive to the difference of opinion prevailing on this subject, when the term of his second election arrived, he called the heads of departments together, observed to them the situation in which he had been at the commencement of the government, the advice he had taken, and the course he had observed in compliance with it; that a proper occasion had now arrived of revising that course, of correcting in it any particulars not approved in experience; and he desired us to consult together, agree on any changes we should think for the better, and that he

should willingly conform to what we should advise. We met at my office. Hamilton and myself agreed at once that there was too much ceremony for the character of our government, and, particularly, that the parade of the installation at New York ought not to be copied on the present occasion, that the president should desire the chief justice to attend him at his chambers, that he should administer the oath of office to him in the presence of the higher officers of the government, and that the certificate of the fact should be delivered to the secretary of state to be recorded. Randolph and Knox differed from us, the latter vehemently: they thought it not advisable to change any of the established forms, and we authorized Randolph to report our opinions to the president. As these opinions were divided, and no positive advice given as to any change, no change was made. Thus the forms which I had censured in my letter to Mazzei, were perfectly understood by general Washington, and were those which he himself but barely tolerated. He had furnished me a proper occasion for proposing their reformation, and my opinion not prevailing, he knew I could not have meant any part of the censure for him.

"Mr. Pickering quotes, too, (page 34) the expression in the letter of 'the men who were Samsons in the field and Solomons in the council, but who had had their heads shorn by the harlot England;' or, as expressed in their re-translation, 'the men who were Solomons in council and Samsons in combat, but whose hair had been cut off by the whore England.' Now this expression also was perfectly understood by general Washington. He knew that I meant it for the Cincinnati generally, and that, from what had passed between us at the commencement of that institution, I could not mean to include him. When the

first meeting was called for its establishment, I was a member of the congress then sitting at Annapolis. General Washington wrote to me, asking my opinion on that proposition, and the course, if any, which I thought congress would observe respecting it. I wrote him frankly my own disapprobation of it; that I found the members of congress generally in the same sentiment; that I thought they would take no express notice of it, but that in all appointments of truth, honor, or profit, they would silently pass by all candidates of that order and give a uniform preference to others. On his way to the first meeting in Philadelphia, which I think was in the spring of 1784, he called on me at Annapolis. It was a little after candlelight, and he sat with me until after midnight, conversing, almost exclusively, on that subject. While he was feelingly indulgent to the motives which might induce the officers to promote it, he concurred with me entirely in condemning it; and when I expressed an idea that, if the hereditary quality were suppressed, the institution might perhaps be indulged during the lives of the officers now living and who had actually served, 'No,' he said, 'not a fibre of it ought to be left, to be an eye-sore to the public, a ground of dissatisfaction, and a line of separation between them and their country:' and he left me with a determination to use all his influence for its entire suppression. On his return from the meeting, he called on me again, and related to me the course the thing had taken. He said that from the beginning he had used every endeavor to prevail on the officers to renounce the project altogether, urging the many considerations which would render it odious to their fellow-citizens and disreputable and injurious to themselves; that he had at length prevailed on most of the old officers to reject it, although with great

and warm opposition from others, and especially the younger ones, among whom he named colonel William S. Smith as particularly intemperate. But that in this state of things, when he thought the question safe and the meeting drawing to a close, major L'Enfant arrived from France with a bundle of eagles, for which he had been sent there, with letters from the French officers who had served in America, praying for admission into the order, and a solemn act of their king permitting them to wear its ensign. This, he said, changed the face of matters at once, produced an entire revolution of sentiment and turned the torrent so strongly in an opposite direction that it could be no longer withstood: all he could then obtain was a suppression of the hereditary quality. He added, that it was the French applications, and respect for the approbation of the king, which saved the establishment in its modified and temporary form. Disapproving thus of the institution as much as I did, and conscious that I knew him to do so, he could never suppose that I meant to include him among the Samsons in the field, whose object was to draw over us the form, as they made the letter say, of the British government, and especially its aristocratic member, an hereditary house of lords. Add to this, that the letter saying, 'two out of the three branches of legislature were against us,' was an obvious exception of him; it being well known that the majorities in the two branches of senate and representatives were the very instruments which carried, in opposition to the old and real republicans, the measures which were the subjects of condemnation in this letter. General Washington, then, understanding perfectly what and whom I meant to designate, in both phrases, and that they could not have any application or view to himself, could find in neither any

cause of offence to himself, and therefore neither needed nor ever asked any explanation of them from me. Had it even been otherwise, they must know very little of general Washington, who should believe to be within the laws of his character what Dr. Stuart is said to have imputed to him. Be this, however, as it may, the story is infamously false in every article of it. My last parting with general Washington was at the inauguration of Mr. Adams, in March, 1797, and was warmly affectionate; and I *never had any reason to believe any change on his part*, as there certainly was none on mine. *But one session of congress intervened between that and his death, the year following*, in my passage to and from which, as it happened to be not convenient to call upon him, I never had another opportunity; and as to the cessation of correspondence observed during that short interval, no particular circumstance occurred for epistolary communication, and both of us were too much oppressed with letter-writing to trouble either the other with a letter about nothing.

"The truth is, that the federalists, pretending to be the exclusive friends of general Washington, have ever done what they could to sink his character by hanging theirs on it, and by representing as the enemy of republicans him who, of all men, is best entitled to the appellation of the father of that republic which they were endeavoring to subvert, and the republicans to maintain. They cannot deny, because the elections proclaimed the truth, that the great body of the nation approved the republican measures. General Washington was himself sincerely a friend to the republican principles of our constitution. His faith, perhaps, in its duration might not have been as confident as mine; but he repeatedly declared to me, that he was determined it should have a fair chance for success, and that

he would lose the last drop of his blood in its support against any attempt which might be made to change it from its republican form. He made these declarations the oftener, because he knew my suspicions that Hamilton had other views, and he wished to quiet my jealousies on this subject. For Hamilton frankly avowed, that he considered the British constitution, with all the corruptions of its administration, as the most perfect model of government which had ever been devised by the wit of man—professing, however, at the same time, that the spirit of this country was so fundamentally republican, that it would be visionary to think of introducing monarchy here, and that, therefore, it was the duty of its administrators to conduct it on the principles their constituents had elected.

"General Washington, after the retirement of his first cabinet and the composition of his second, entirely federal, and at the head of which was Mr. Pickering himself, had no opportunity of hearing both sides of any question. His measures, consequently, took more of the hue of the party in whose hands he was. These measures were certainly not approved by the republicans; yet were they not imputed to him, but to the counselors around him; and his prudence so far restrained their impassioned course and bias, that no act of strong mark, during the remainder of his administration, excited much dissatisfaction. He lived too short a time after, and too much withdrawn from information, to correct the views into which he had been deluded; and the continued assiduities of the party drew him into the vortex of their intemperate career, separated him still farther from his real friends, and excited him to actions and expressions of dissatisfaction which grieved them, but could not loosen their affections from him. They would not suffer the temporary aberration to weigh

against the immeasurable merits of his life; and although they tumbled his seducers from their places, they preserved his memory embalmed in their hearts with undiminished love and devotion; and there it will forever remain embalmed, in entire oblivion of every temporary thing which might cloud the glories of his splendid life. It is vain, then, for Mr. Pickering and his friends to endeavor to falsify his character, by representing him as an enemy to republicans and republican principles, and as exclusively the friend of those who were so; and had he lived longer, he would have returned to his ancient and unbiased opinions, would have replaced his confidence in those whom the people approved and supported, and would have seen that *they were only restoring and acting on the principles of his own first administration.*

"I find that I have written you a very long letter, or rather a history. The civility of having sent me a copy of Mr. Pickering's diatribe would scarcely justify its address to you. I do not publish these things, because my rule of life has been never to harass the public with sendings and provings of personal slanders; and least of all would I descend into the arena of slander with such a champion as Mr. Pickering. I have ever trusted to the justice and consideration of my fellow citizens, and have no reason to repent it or to change my course. At this time of life, too, tranquility is the *summum bonum*. But though I decline all newspaper controversy, yet when falsehoods have been advanced, within the knowledge of no one so much as myself, I have sometimes deposited a contradiction in the hands of a friend which, if worth preservation, may, when I am no more nor those whom I might offend, throw light on history, and recall that into the path of truth."

This extraordinary document having been obviously prepared to "throw light on history" when Mr. Jefferson was no more, it has been thought expedient to give it at length, in order that his views upon several important topics contained in it might be clearly and fully understood.

The first subject that is worthy of notice is the account given by Dr. Stuart to colonel Pickering, that a portion of a correspondence between general Washington and Mr. Jefferson, and of general Washington's diary relative to the Mazzei letter, was not, after general Washington's death, to be found. Mr. Jefferson pronounces the whole story to be a fabrication; and adds, "I defy the framers of it, and all mankind, to produce a scrip of a pen between general Washington and myself on the subject." Whether this denial is intended to apply to the story of the loss of the diary as well as the correspondence, is not perfectly clear from the language made use of. The challenge to produce it is confined to the latter; and if that had been surreptitiously obtained from the Washington papers and destroyed, there was no risk in making it. And situated as he was at the time of writing this article he had the strongest personal inducements, especially as there was no person living to contradict him, to make the case as favorable to his own interests as was in his power; and, therefore, if he was less scrupulous about the means used for the purpose, it cannot be a matter of surprise to any person acquainted with his character and the circumstances in which he was placed.

The manner in which he attempts to discredit Dr. Stuart is very characteristic. He says that he had but little acquaintance with him; that he supposed him to be an honest man, but knew him to be a very weak one, and,

like Mr. Pickering, very prone to antipathies, boiling with party passions and under their dominion, readily welcoming fancies for facts. The loss of part of the diary was asserted many years before the date of this letter by general Washington's family connections, and the fact has always been understood and believed upon the most unquestionable testimony. If general Washington considered Mr. Jefferson's calumnies of sufficient importance to warrant him in calling for an explanation of the Mazzei letter, nothing is more probable than that he wrote to him for that purpose. Of the probability of his having done so, every man, after examining the circumstances, will form his own opinion. It will be well to bear in mind, however, that Mr. Jefferson's affirming or denying a thing to exist is not always conclusive evidence that such is the case, as it is believed will satisfactorily appear when this work is finished. It is, however, not a little remarkable that he should attempt to discredit Dr. Stuart as a witness on the ground that he was under the influence of party passions and was prone to welcome fancies for facts. Mr. Jefferson may be justly styled, in the language of masonry, the grand master of parties and party feelings in this country. As soon as he returned from France and took his seat in the national cabinet, he commenced the formation and establishment of the party which, under his auspices and by the force of his influence and exertions, became the prevailing power in the Union, and has continued, under one leader and another, but all invoking his name and principles, down to the present time. It has already been shown from under his own hand that, when he entered upon the duties of chief magistrate of the United States, his earliest complaint was, that "the sect" of federalists alone held offices under the government and

that he should make removals until he had introduced republicans enough to restore an equilibrium. The party that he thus formed and brought into power became as vindictive towards their opponents as they were greedy for office; and Dr. Stuart's party-passions must have been heated to a seven-fold degree, if they exceeded in intensity those of the demagogues of whom Mr. Jefferson was the leader. And as for substituting fancies for facts, no man who considered himself, or was viewed by his followers as having a claim to the title of *great*, was ever more remarkable for the adoption of the same practice than himself.

Having disposed of Dr. Stuart, Mr. Jefferson proceeds, in his letter to Mr. Van Buren, to a long train of remarks upon the use which the federalists have made of the letter to Mazzei. He says it had been a precious theme of federal malice. Having made it the subject of a critical examination in another work it is not necessary for the author to go over the same ground again. Mr. Jefferson says that, in translating it, a single word having been improperly rendered in the singular number instead of the plural, that is, the word *form* instead of *forms*, it entirely perverted its meaning and made it the fertile text of misrepresentation of his political principles. And he labors very earnestly to show that, instead of alluding to the constitution of the United States as containing the *form* of a monarchical government which the monarchical party were endeavoring to draw over us, he had reference only to the president's levees, birth-days, and other ceremonies which were practiced at the seat of government. It is difficult to imagine anything more consummately ridiculous and absurd than for a man for whom his partizans have united to affix the title not merely of great but

of illustrious, gravely, and in a document which he had deliberately prepared for posthumous publication and for the express purpose of throwing light on history, gravely to tell future generations that he was extremely fearful lest George Washington and his cabinet should change a republican government which he and his federal friends had just formed, organized and put in operation, into a monarchy, the very kind of government they had just succeeded in throwing off from their country. No man of sense and of common honesty will believe any such thing. But they will believe that in making use of this language in a private letter to a foreigner, at the distance of four thousand miles, he had reference to the constitution of the United States, which is strictly a *form* of government; whilst levees and birth-nights, &c., are in no sense *forms* of government, and have no relation to *forms* of government, nor could they, in the nature of things, have had any tendency to change our government into a monarchy, however frequent, fashionable or fascinating they might have been. The highest grade of office they were calculated to produce was a master of ceremonies, who, of all the varieties of form which ambition may be supposed to assume is the least likely to terminate in a monarch or a sovereign of any description.

And, as if Mr. Jefferson was bent upon making himself ridiculous, after taking great pains to display the fears which he derived from this source to the liberties of the country, and after having, in the earlier parts of his correspondence and the later entries in his "*Ana*," uniformly spoken of Alexander Hamilton as the most decided monarchist, in sentiment at least, that there was in the Union, when giving an account of a formal meeting of the cabinet at the commencement of general Washington's second pe-

riod in office in order to consult upon the important question whether it was expedient to alter or abrogate any of these anti-republican practices of the first administration, he says, "*Hamilton and myself agreed at once* that there was *too much ceremony for the character of our government*, and proposed alterations, while Randolph and Knox differed from them; and the consequence was, that no reformation of this threatening evil was effected. Here, then, it appears that Randolph, a Virginia democrat and a Jeffersonian republican, was in favor of continuing these dangerous monarchical ceremonies at the imminent hazard not only of our liberties but of the very nature of our government, whilst Alexander Hamilton — the man who, in Mr. Jefferson's opinion, was the most devoted monarchist in the nation, and a monarchist, too, on the principle of corruption — was decidedly in favor of abrogating the very ceremonies which, according to the notions of Mr. Jefferson, were calculated to introduce the kind of government to which he gave the preference over all others. The person who can swallow all this nonsense need be under no apprehensions of ever being suffocated by absurdities of any description.

Mr. Jefferson then enters upon a long disquisition upon the phrase in the letter, "*Samsons in the field* and Solomons in council, *whose heads had been shorn by the harlot England.*" He says, "this expression was perfectly understood by general Washington." If so it must have been by the exercise of his own ingenuity and discernment, for it has been seen by his declaration in this letter that nothing had ever passed between him and general Washington on the subject of this letter. He acknowledges that he never saw general Washington after its publication in this country, and he avers that he never

wrote anything to him concerning it. He says that general Washington knew he meant it for *the Cincinnati generally*, and that, from what passed between them at the commencement of that institution, he could not mean to include him. That Mr. Jefferson was opposed to the Cincinnati, and was, or pretended to be, apprehensive that an association purely benevolent and charitable in its constitution and objects, and composed of men who had fought, suffered and bled in achieving their country's freedom and independence, would prove mischievous and perhaps be the means of changing the republic into a monarchy, there is no room to doubt. That he had in reality any such fears is far more questionable. And when he found that, after all his efforts to instill such suspicions and jealousies as he affected to entertain into the pure and virtuous mind of Washington, and notwithstanding all his endeavors to alarm him on that subject, Washington accepted, and held for years, the office of president general over the society, it is little short of ludicrous to find Mr. Jefferson, at so late a period, going back to the old ground, and ascribing the phraseology above referred to in the Mazzei letter to his apprehensions respecting the objects of that institution. At the time when the Mazzei letter was written, the society had existed for more than twelve years. The manner in which their evil designs were to be accomplished is not specified. An Irish judge in South Carolina wrote a pamphlet to warn the country against them, but like most modern prophecies the fulfillment never occurred. Mr. Jefferson was, as usual, more cautious and more cunning in his prognostications of evil. He dealt in general, undefined apprehensions, throwing out to the populace and their leaders cant phrases, like that of Samsons in the field and Solomons in council, the

probable effect of which he understood as well as any man who ever lived. But as it is now more than fifty years since the society of the Cincinnati was formed, and a very large proportion of the members have passed off the stage of life, and none of his evil forebodings ever came to pass, it is not unreasonable to conclude that his fears were affected and not real, and that his object in giving them out was, as it always was through life, in a prime degree selfish and sinister. There is very little more probability that general Washington, when he saw the letter to Mazzei, supposed the expression "Samsons in the field and Solomons in council," alluded to the society of the Cincinnati than that he imagined that it had reference to the knights of St. John of Jerusalem. A small number of the revolutionary officers did, indeed, go into public life. Among these was general Knox, who was the first secretary of war under general Washington's administration, appointed to that office immediately after the organization of the government. He was the man from whom the plan of establishing the society is said to have originally proceeded. After holding the office of secretary of war nearly five years, he resigned it in December, 1794. It is very certain that during that period general Washington, notwithstanding all Mr. Jefferson's insinuations and suggestions, had formed no suspicions of his allegiance to his country, or of his designs or even wishes to introduce a monarchy into the United States. Upon accepting his resignation the president expressed himself in a letter to him as follows: — "I cannot suffer you, however, to close your public service, without uniting to the satisfaction which must arise in your own mind from conscious rectitude, assurances of my most perfect persuasion that you have deserved well of your country.

"My personal knowledge of your exertions, while it authorizes me to hold this language, justifies the sincere friendship which I have borne you and which will accompany you in every situation of life." Mr. Jefferson, with an intimate and thorough acquaintance with general Washington for thirty years, must have ascertained that he would not have expressed himself in respectful and even affectionate language to any man of whose merit he entertained a single doubt, and much more to any man who had been plotting the destruction of his country's freedom. The inference is therefore clear and irresistible that he had no suspicions of general Knox, and there is as little reason to believe that he had any fears of such designs in the society of the Cincinnati at large, because he never would have suffered himself to be placed at its head if such had been the case.

Mr. Jefferson, however, says further that, "Disapproving of the institution as much as I did, and conscious that I knew him to do so, he could never suppose that I meant to include him among the Samsons in the field, whose object was to draw over us the *form*, as they made the letter say, of the British government, and especially its aristocratic member and hereditary house of lords. Add to this that the letter saying, 'that two out of the three branches of legislature were against us,' was an obvious exception of him; it being well known that the majorities in the two branches of senate and representatives were the very instruments which carried, in opposition to the old and real republicans, the measures which were the subjects of condemnation in this letter."

CHAPTER X.

The society of Cincinnati could not have been meant by the phrase "Samsons in the field"—The language of the Mazzei letter, as published in Jefferson's Works, absurd—Jefferson's last parting with general Washington—The time of his death, as stated in the letter to Van Buren not true—Federalists, pretending to be Washington's friends, did what they could to sink his character—The measures of his second administration not imputable to him, but to his counselors—Not approved by the republicans—Answers of the houses to his speech when about to retire, opposed by Giles—Judge Marshall's account of the feelings of the republican party upon the ratification of the British treaty—Letters to Melish, W. Jones, and John Adam's—Jefferson says general Washington was not a federalist—No truth in the assertion that Washington was not a federalist—Letter to Jay, May, 1796—Letter to Jefferson, July, 1796—No correspondence after this letter appears on Washington's books with Jefferson—Letter to La Fayette, December, 1798—to Timothy Pickering, January, 1799—To P. Henry, January, 1799—Letters to H. Lee—[Backe's and Freneau's papers, and western insurrection]—Letter to J. Jay—Washington not a republican in the sense of Jefferson—Washington a federalist—Letter to B. Washington, May, 1799—Jefferson's letters intended for history.

THAT the society of the Cincinnati, as a body, were not, and could not have been, the persons alluded to in the expression "Samsons in the field," is evident from the fact, that very few of them had gone into public life. A great proportion of the officers of whom that society was composed, had returned to their homes, and engaged in different occupations and pursuits, taking no further part in the political concerns of the country, than to lend their sup-

port, according to their principles, by their suffrages and their example, to the constitution, government and laws of the Union, and the general republican institutions of the nation. If the original letter to Mazzei was in the precise form in which what Mr. Jefferson calls a press copy of it appears in his posthumous works, he must have expressed himself in a very careless and inaccurate manner. In that he says, "against us are the executive, the judiciary, *two out of three branches of the legislature.*" Neither the executive, nor the judiciary, is a branch of the legislature. The constitution divides the government into three branches—legislative, executive and judicial. The first section of that instrument says, "*All* legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives." In this letter, as first published in this country, the expression was, "the executive and the judiciary, two of *the three branches of our government.*" This phraseology was perfectly correct, and such as might have been expected from a scholar, who understood the meaning and use of language, and from a statesman, who had long held one of the high offices of the government. And it will not be an easy task to persuade any reasonable mind, that Mr. Jefferson could have expressed himself so loosely, and so inaccurately, on a subject so familiar to him as that of the great divisions of power in the constitution of the United States. The language of the improved copy of the letter is nonsensical. In the letter as first published, it is clear and explicit; and just such as he might be expected to make use of on such an occasion as that which called forth the letter. That the copy published in his works, was modified so as to answer the object he had in view, there is very little room to doubt. He wanted to

provide a way to except general Washington from the general charge of anti-republicanism, alleged against the federalists generally in the letter; and under the influence of that feeling, he changed the phraseology of the letter in such a manner as he thought would admit of such an exception. In endeavoring, however, to guard himself against one evil, he left himself exposed to the full force of another, as will be shown hereafter in some further remarks upon this singular composition.

Mr. Jefferson then says, "My last parting with general Washington was at the inauguration of Mr. Adams, in March, 1797, and was warmly affectionate; and I never had any reason to believe any change on his part, as there certainly was none on mine. But one session of congress intervened between that and his death the year following, in my passage to and from which, as it happened to be not convenient to call on him, I never had another opportunity; and as the cessation of correspondence observed during that short interval, no particular circumstance occurred for epistolary communication, and both of us were too much oppressed with letter-writing, to trouble, either the other, with a letter about nothing."

This passage is one of the most extraordinary that can be found in Mr. Jefferson's extensive correspondence. General Washington died on the 14th of December, 1799. From March 4, 1797, to December 14, 1799, is two years, nine months, and ten days. Mr. Jefferson says, "But one session of congress intervened between Mr. Adams's inauguration, viz. March 4, 1797, and general Washington's death, December 14, 1799. Mr. Adams called an extraordinary session in May, 1797. Congress again met in November, 1797, some weeks earlier than the usual time of their assembling, and they continued in session until

the July following—being one of the longest sessions that has ever occurred. In December, 1798, the usual annual session commenced; and in December, 1799, the fourth session begun, ten days before general Washington's death. Thus, in order to shorten the time during which no intercourse occurred between himself and general Washington, after Mr. Adams's inauguration, and to give a plausible reason for their not meeting after that event, Mr. Jefferson strikes out a year at least from the lapse of time, and two entire sessions of congress, and a small part of a third, from the events of the period. And what renders it the more extraordinary is the fact, that during the whole of the time alluded to, Mr. Jefferson was vice president of the United States, and by virtue of his office president of the senate, and was actually present, and presided over that body, at each of these sessions. Of course, he could not have been ignorant of the fact that they were held in regular order. By adverting to general Washington's correspondence, recently published by J. Sparks, it will be seen, that from about the middle of November, 1798, to the middle of December following, general Washington was in Philadelphia, which was at that time the seat of government. When he left that city for Mount Vernon, congress had been in session about two weeks. Whether the vice president had, during that period, taken his seat as president of the senate, or not, the auther of this work has not the means of ascertaining. If he had, he must have been in Philadelphia before general Washington left it. If he had not, he postponed the time of entering upon his official duties to a very late period, and it might have been with the view of avoiding a meeting with him.

Mr. Jefferson says, "The truth is, that the federalists

pretending to be the exclusive friends of general Washington, have ever done what they could to sink his character, by hanging theirs on it, and by representing as the enemy of republicans him, who, of all men, is best entitled to the appellation of the father of that republic which they were endeavoring to subvert, and the republicans to maintain." That general Washington believed those to be his friends who supported his administration, and defended the measures which he recommended and approved, who agreed with him and with whom he agreed in sentiment on all important national questions, and who treated him on all occasions with the highest degree of esteem, respect and confidence, cannot be doubted. That those who opposed and thwarted the general course of his administration, endeavored to defeat the great measures which he recommended, misrepresented his principles, falsified his sentiments, accused him of entertaining monarchical predilections and propensities, and endeavored by falsehood and calumny to injure, and, as far as was in their power, to destroy his character, were justly considered by him as his enemies, cannot be denied. The former were federalists; the latter were, to a man, what Mr. Jefferson so ostentatiously calls republicans. Mr. Jefferson says in the letter to Mr. Van Buren, "general Washington, after the retirement of his first cabinet and the composition of his second, entirely federal, and at the head of which was Mr. Pickering himself, had no opportunity of hearing both sides of any question. His measures, consequently, took more the hue of the party in whose hands he was. These measures certainly were not approved by the republicans; yet were they not imputed to him, but to the counselors around him."—Thus to avoid the charge of federalism on behalf of general Washington, Mr. Jefferson reduces him to the degraded condition of a dupe—a man not suffered

to exercise his own judgment or understanding, but imposed upon by artful advisers, who deprived him of the privileges of a free agent, and made him a tool in their own hands. The federalists manifested none of this kind of friendship for him. They admired the soundness of his principles, the clearness of his understanding, the correctness of his judgment, and the purity of his motives; and above all, his entire independence of all selfishness and all party views and interests.

Mr. Jefferson in his letter to Dr. Jones, heretofore referred to, says, "We were, indeed, dissatisfied with him on his ratification of the British treaty. But this was short-lived." So long after the ratification of that treaty as near the close of his second administration, he gave notice to congress of his intention to withdraw from public life; the answers of both houses to that annunciation, evinced an undiminished veneration for his character, their grateful sense of the eminent services he had rendered his country, and the regret they felt at his retiring from office; but Mr. William B. Giles, a member from Virginia, an intimate and confidential friend of Mr. Jefferson, and one of his most approved republicans, moved in the house of representatives, to strike out the passage from the answer which expressed a grateful conviction that his wise, firm, and patriotic administration, had been signally conducive to the success of the present form of government. In his remarks on the question, Mr. Giles said, "If he stood alone in his opinion, he would declare, that he was not convinced that the administration of the government for these six years had been wise and firm. He did not regret the president's retiring from office. He hoped he would retire, and enjoy the happiness that awaited his retirement. He believed it would more conduce to that happiness that he should retire than if he should remain in

office."* In this measure of *republican friendship* for general Washington, Mr. Giles obtained the votes of ten of the members of the house in addition to his own. These are the people whom Mr. Jefferson calls general Washington's real friends, who preserved his memory embalmed in their hearts.

Judge Marshall, however, presents their friendly feelings in a somewhat different light. After giving an account of the proceedings on the British treaty, he says—"If the ratification of the treaty increased the number of its open advocates, by stimulating the friends of the administration to exert themselves in its defence, it seemed also to give increased acrimony to the opposition. Such hold had the president taken of the affections of the people, that even his enemies had deemed it generally necessary to preserve, with regard to him, external marks of decency and respect. Previous to the mission of Mr. Jay, charges against the chief magistrate, though frequently insinuated, had seldom been directly made; and the cover under which the attacks upon his character were conducted, evidenced the caution with which it was deemed necessary to proceed. That mission visibly affected the decorum which had been usually observed towards him, and the ratification of the treaty brought into open view sensations which had long been ill concealed. With equal virulence, the military and political character of the president was attacked, and he was averred to be totally destitute of merit either as a soldier or a statesman. The calumnies with which he was assailed were not confined to his public conduct; even his qualities as a man were the subjects of detraction. That he had violated the constitution in negotiating a treaty without the previous advice of the senate, and in embracing within that treaty

* Pitkin's Pol. and Civ. Hist., vol. 2, page 495.

subjects belonging exclusively to the legislature, was openly maintained, for which an impeachment was publicly suggested; and that he had drawn from the treasury for his private use more than the salary annexed to his office was unblushingly asserted." Let it be remembered, that the party from whom these attacks proceeded, and by whom these charges were made, was formed by Mr. Jefferson, that they were under his absolute control and direction, depended entirely on his countenance and influence for their growth and success, and could have been at any moment checked or silenced in their career, if he had thought it expedient to exert his power over them. That power not having been exercised, he is justly responsible for the general course pursued by them, as well as for the particular measures by which their schemes were carried into effect.

That the view which has been taken of this subject, and that the facts disclosed furnish sufficient evidence that Mr. Jefferson was the enemy of general Washington, it is believed cannot be denied.

At the same time, whilst Mr. Jefferson was, in the secret and artful manner that has been described, endeavoring to undermine general Washington's reputation, and depreciate his talents and patriotism, he had sagacity enough to know, that it would not be safe for him to come out openly, and without disguise, and attack him before the nation. But whilst endeavoring by insinuations, and covert suggestions, to injure his character, he still carried on the farce of professing to be his friend and admirer; and ascribed all his errors and mistakes in policy and measures, to the undue and improper influence exercised over him by his federal associates. But being perfectly aware of his extensive popularity, and of the extreme attachment of the people of the United States to him as

their great benefactor, as well as of their sincere and fervent gratitude for his services, both civil and military, Mr. Jefferson took great pains to inculcate the idea, that general Washington was, in reality, what in the Jefferson vocabulary was called, a "republican;" but that, by the influence and address of those who were associated with him in the government, he had been drawn into an approval of their measures; and, at the same time, if he had been left to himself, he would have gone cordially with the Jefferson party. In a letter to Mr. Melish, dated January 13, 1813, (vol. 4, Jefferson's Works, page 182) he says, "You expected to discover the difference of our party principles in general Washington's valedictory and my inaugural address. Not at all. General Washington did not harbor *one principle of federalism.* He was neither an Anglo-man, a monarchist, nor a separatist. He sincerely wished the people to have as much self-government as they were competent to exercise themselves. The only point on which he and I differed in opinion, was, that I had more confidence than he had in the natural integrity and discretion of the people, and in the safety and extent to which they might trust themselves with a control over their government."

In a letter to Dr. Walter Jones, which has been referred to in this work, he says, "I am satisfied the great body of republicans think of him as I do. We were, indeed, dissatisfied with him on his ratification of the British treaty. But this was short-lived. We knew his honesty, the wiles with which he was encompassed, and that age had already begun to relax the firmness of his purposes, and I am convinced he is more deeply seated in the love and gratitude of the republicans than in the pharisaical homage of the federal monarchist."

It is well known that Mr. Jefferson and his partizans,

much as they professed to dislike the general policy and the specific measures of general Washington's administration, affected to be much more shocked by the course pursued under Mr. Adams's administration. In a letter from general Washington to president Adams, dated June 17, 1798, (Washington's Writings, vol. 4, page 241,) he says, "I pray you to believe, that no one has read the various approbatory addresses which have been presented to you with more heart-felt satisfaction than I have done."

In another letter to president Adams, (in the same work, page 261,) dated July 13, 1798, he says, "It was not possible for me to remain ignorant of, or indifferent to, recent transactions. The conduct of the directory of France towards our country, their insidious hostilities to its government, their various practices to withdraw the affections of the people from it, the evident tendency of their arts and those of their agents to countenance and invigorate opposition, their disregard of solemn treaties and the laws of nations, their war upon our defenceless commerce, their treatment of our minister of peace, and their demands amounting to tribute, could not fail to excite in me corresponding sentiments with those which my countrymen have so generally expressed in their affectionate addresses to you. Believe me, sir, no one can more cordially approve of the wise and prudent measures of your administration. They ought to inspire universal confidence, and will, no doubt, combined with the state of things, call from congress such laws and means as will enable you to meet the full force and extent of the crisis."

In order to show that there was not the slightest foundation in truth for the pretence on the part of Mr. Jefferson that general Washington was not a federalist, but that he was in reality "a republican," according to the meaning which he gave to the title, the following, out of

a multitude of papers of the same description, in his correspondence published by Sparks, may be adduced.

In a letter to John Jay, dated May 8, 1796, (vol. 11, page 123,) he says, "I am sure the mass of citizens in these United States mean well, and I firmly believe they will always *act well* whenever they can obtain a right understanding of matters; but in some parts of the Union, where the sentiments of their delegates and leaders are adverse to the government and great pains are taken to inculcate a belief that their rights are assailed and their liberties endangered, it is not easy to accomplish this; especially as is the case invariably when the inventors and abettors of pernicious measures use infinitely more industry in disseminating the poison than the well-disposed part of the community in furnishing the antidote. *To this source all our discontents may be traced, and from it all our embarrassments proceed.* Hence serious misfortunes, originating in misrepresentation, frequently flow and spread before they can be dissipated by truth.

"These things do as you have supposed, fill my mind with concern and with serious anxiety."

In a letter to Thomas Jefferson, dated July 6, 1796, (Ibid, 138) he says—

"If I had entertained any suspicions before, that the queries which have been published in Backe's paper proceeded from you, the assurance you have given of the contrary would have removed them; but the truth is, I harbored none. I am at no loss to conjecture from what source they flowed, through what channel they were conveyed, and for what purpose they and similar publications appear. They were known to be in the hands of Mr. Parker in the early part of the last session of congress. They were shown about by Mr. Giles during the ses-

sion, and they made their public exhibition about the close of it.

"Perceiving and probably hearing, that no abuse in the gazettes would induce me to take notice of anonymous publications against me, those who were disposed to do me *such friendly offices*, have embraced without restraint every opportunity to weaken the confidence of the people; and by having the whole game in their hands, they have scrupled not to publish things that do not as well as those which do exist, and to mutilate the latter so as to make them subserve the purposes which they have in view.

"As you have mentioned the subject yourself, it would not be frank, candid, or friendly to conceal that your conduct has been represented as derogating from that opinion I had conceived you entertained of me; that to your particular friends and connections you have described, and they have denounced me as a person under a dangerous influence; and that, if I would listen more to some other opinions, all would be well. My answer invariably has been, that I had never discovered anything in the conduct of Mr. Jefferson to raise suspicions in my mind of his insincerity; that if he would retrace my public conduct while he was in the administration, abundant proofs would occur to him, that truth and right decisions were the sole objects of my pursuit; that there were as many instances within his own knowledge of my having decided *against* as *in favor* of the opinions of the person evidently alluded to; and, moreover, that I was no believer in the infallibility of the politics or measures of any man living. In short, that I was no party man myself, and the first wish of my heart was, if parties did exist, to reconcile them.

"To this I may add, and very truly, that until within the last year or two, I had no conception that parties would or even could go to the length I have been witness

to; nor did I believe until lately, that it was within the bounds of probability, hardly within those of possibility, that while I was using my utmost exertions to establish a national character of our own, independent, as far as our obligations and justice would permit, of every nation of the earth, and wished, by steering a steady course, to preserve this country from the horrors of a desolating war, I should be accused of being the enemy of one nation, and subject to the influence of another; and to prove it, that every act of my administration would be tortured, and the grossest and most insidious misrepresentations of them be made, by giving one side only of a subject, and that too in such exaggerated and indecent terms as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pick-pocket."

In a note subjoined to this letter, it is said, "No correspondence after this date between Washington and Jefferson appears in the letter books, except a brief note the month following, upon an unimportant matter. It has been reported and believed, *that letters or papers, supposed to have passed between them, or to relate to their intercourse with each other at subsequent dates, were secretly withdrawn from the archives of Mount Vernon, after the death of the former.* Concerning this fact, no positive testimony remains, either for or against it, among Washington's papers, as they came into my hands."

In a letter from general Washington to general Lafayette, dated December 25, 1798, (Ibid, 376,) he says—"It has been the policy of France, and *that of the opposition party among ourselves*, to inculcate a belief that all those who have exerted themselves to keep this country in peace, did it from an overweening attachment to Great Britain. But it is a solemn truth, and you may count upon it, that it is void of foundation, and propagated for

no other purpose, than to excite popular clamor against those whose aim was peace, *and whom they wished out of their way.*"

In a letter to Timothy Pickering, dated August 29, 1797, (Ibid, 387,) he says, "That France had stepped far beyond the line of rectitude, cannot be denied; that she has been encouraged to do so by *a party among ourselves* is, to my mind, equally certain."

In a letter to Patrick Henry, dated January 15, 1799, (Ibid, 387,) he says—

"It would be a waste of time to attempt to bring to the view of a person of your observation and discernment, the endeavors *of a certain party among us* to disquiet the public mind with unfounded alarms; to arraign every act of the administration; to set the people at variance with their government; and to embarrass all its measures. Equally useless would it be to predict what must be the inevitable consequences of such a policy, if it cannot be arrested.

"Unfortuately, and extremely do I regret it, *the state of Virginia has taken the lead in this opposition.* I have said the *state*, because the conduct of its legislature in the eyes of the world will authorize the expression, and because it is an incontrovertible fact, that the *principal leaders of the opposition dwell in it*, and that, with the help of the chiefs in other states, all the plans are arranged, and systematically pursued by their followers in other parts of the Union; though in no state except Kentucky, that I have heard of, has legislative countenance been obtained beyond Virginia."

"But, at such a crisis as this, when every thing dear and valuable to us is assailed; when this party hangs upon the wheels of government as a dead weight, opposing every measure that is calculated for defence and self-pre-

servation, abetting the nefarious views of another nation upon our rights, preferring, as long as they dare contend openly against the spirit and resentment of the people, the interest of France to the welfare of their own country, justifying the former at the expense of the latter; when every act of their own government is tortured by constructions they will not bear, into attempts to infringe and trample upon the constitution with a view to introduce monarchy; when the most unceasing and the purest exertions which were making to maintain a neutrality, proclaimed by the executive, approved unequivocally by congress, by the state legislatures, nay, by the people themselves in various meetings, and to preserve the country in peace, are charged with being measures calculated to favor Great Britain at the expense of France, and all those, who had any agency in it are accused of being under the influence of the former and her pensioners; when measures are systematically and pertinaciously pursued, which must eventually dissolve the Union or produce coercion; I say, when these things have become so obvious, ought characters who are best able to rescue their country from the pending evil to remain at home? Rather ought they not to come forward, and by their talents and influence stand in the breach which such conduct has made on the peace and happiness of this country, and oppose the widening of it?

"Vain will it be to look for peace and happiness, or for the security of liberty or property, if civil discord should ensue. And what else can result from the policy of those among us, who, by all the measures in their power, are driving matters to extremity, if they cannot be counteracted effectually? The views of men can only be known, or guessed at, by their words or actions. Can those of the *leaders* of opposition be mistaken, then, if judged by this

rule? That they are followed by numbers who are unacquainted with their designs, and suspect as little the tendency of their principles, I am fully persuaded. But, if their conduct is viewed with indifference, if there are activity and misrepresentation on one side, and supineness on the other, their numbers accumulated by intriguing and discontented foreigners under proscription, who were at war with their own governments, and the greater part of them with *all* governments, they will increase, and nothing short of Omniscience can foretell the consequences."

The following extracts from general Washington's letters will show how far the allegation that he was not a federalist but was one of Mr. Jefferson's republicans, is entitled to credit.

In the 10th volume of Washington's Writings, (page 357,) is a letter to Henry Lee, from which the following passage is copied—

"That there are in this, as well as in all other countries, discontented characters, I well know; as also that these characters are actuated by very different views; some good, from an opinion that the measures of the general government are impure; some bad, if I might be allowed to use so harsh an expression, diabolical, inasmuch as they are not only meant to impede the measures of that government generally, but more especially as a great means towards the accomplishment of it, to destroy the confidence, which it is necessary for the people to place, until they have unequivocal proof of demerit, in their public servants. In this light I consider myself, whilst I am an occupant of office; and if they were to go further and call me their slave during this period, I would not dispute the point.

"But in what will this abuse terminate? For the result, as it respects myself, I care not; for I have a consolation within, that no earthly efforts can deprive me of, and

that is, that neither ambitious nor interested motives have influenced my conduct. The arrows of malevolence, therefore, however barbed and well pointed, never can reach the most vulnerable part of me; though, while I am up as a *mark*, they will be continually aimed. The *publications in Freneau's and Backe's papers are outrages on common decency;* and they progress in that style, in proportion as their pieces are treated with contempt, and are passed by in silence by those at whom they are aimed. The tendency of them, however, is too obvious to be mistaken by men of cool and dispassionate minds, and, in my opinion, ought to alarm them; because it is difficult to prescribe bounds to the effect."

At page 428, of the same volume, is a letter to the same gentleman, in which it is said—

"It is with equal pride and satisfaction I add, that as far as my information extends, this insurrection [in Pennsylvania] is viewed with universal indignation and abhorrence, *except by those who have never missed an opportunity by side blows or otherwise to attack the general government;* and even among these there is not a spirit hardy enough yet openly to justify the daring infractions of law and order; but by palliatives they are attempting to suspend all proceedings against the insurgents until congress shall have decided on the case, thereby intending to gain time, and if possible to make the evil more extensive, more formidable, and of course more difficult to counteract and subdue.

"I consider this insurrection as the *first formidable fruit of the democratic societies*, brought forth, I believe, too prematurely for their own views, which may contribute to the annihilation of them.

"That these societies were instituted by the artful and designing members (many of their body I have no doubt

mean well, but know little of the real plan,) primarily to sow among the people the seeds of jealousy and distrust of the government, by destroying all confidence in the administration of it, and that these doctrines have been budding and blowing ever since, is not new to any one who is acquainted with the character of their leaders, and has been attentive to their manœuvres. I early gave it as my opinion to the confidential characters around me, that if these societies were not counteracted, (not by prosecutions, the ready way to make them grow stronger,) or did not fall into disesteem from the knowledge of their origin, and the views with which they had been instituted by their father Genet, for purposes well known to the government, they would shake the government to its foundation. Time and circumstances have confirmed me in this opinion; and I deeply regret the probable consequences; not as they will affect me personally, for I have not long to act on this theatre, and sure I am that not a man amongst them can be more anxious to put me aside, than I am to sink into the profoundest retirement, but because I see, under a display of popular and fascinating guises, the most diabolical attempts to destroy *the best fabric of human government and happiness that has ever been presented for the acceptance of mankind.*"

In a letter to Burgess Ball, at the 437th page of the same volume, is the following passage—"I hear with the greatest pleasure of the spirit which so generally pervades the militia of every state that has been called upon on the present occasion; and of the decided discountenance the disturbers of public peace and order have met with in their attempts to spread their nefarious doctrines, with a view to poison and discontent the minds of the people against the government; particularly endeavoring to have it believed that their liberties were assailed, and that all

the wicked and abominable measures that can be devised under specious guises are practiced to sap the constitution, and lay the foundation of future slavery.

" The insurrection in the western counties of this state (Pennsylvania) is a striking evidence of this, and may be considered as *the first ripe fruits of the democratic societies.* I did not, I must confess, expect it would come to maturity so soon, though I never had a doubt that such conduct would produce some such issue, if it did not meet the frowns of those who were well disposed to order and good government; for can anything be more absurd, more arrogant, or more pernicious to the peace of society, than for self-created bodies, forming themselves into permanent censors, and under the shade of night in a conclave resolving that acts of congress which have undergone the most deliberate and solemn discussion by the representatives of the people, chosen for the express purpose, and bringing with them from the different parts of the Union the sense of their constituents, endeavoring as far as the nature of the thing will admit, to form *their will* into laws for the government of the whole; I say, under these circumstances, for a *self-created permanent body* (for no one denies the right of the people to meet occasionally to petition for or remonstrate against any act of the legislature) to declare that *this act* is unconstitutional, and *that act* is pregnant with mischiefs, and that all who vote contrary to their dogmas are actuated by selfish motives or under foreign influence, nay, are traitors to their country? Is such a stretch of arrogant presumption to be reconciled with laudable motives, especially when we see the same set of men endeavoring to destroy all confidence in the administration by arraigning all its acts, without knowing on what ground or with what information it proceeds?"

In a letter to John Nicholas, dated March 8, 1798, he

says, "But as the attempts to explain away the constitution and weaken the government are now become so open, and the desire of placing the affairs of this country under the influence and control of a foreign nation is so apparent and strong, it is hardly to be expected that a resort to covert means to effect these objects will be longer regarded."

The following is an extract of a letter to John Jay, (Washington's Writings, volume 10, page 452.)

"That the self-created societies, which have spread themselves over this country, have been laboring incessantly to sow the seeds of distrust, jealousy, and of course discontent, thereby hoping to effect some revolution in the government, is not unknown to you. That they have been the fomenters of the western disturbances admits of no doubt in the mind of any one who will examine their conduct; but fortunately they precipitated a crisis for which they were not prepared, and thereby have unfolded views which will, I trust, effectuate their annihilation sooner than it might otherwise have happened; at the same time that it has afforded an occasion for the people of this country to show their abhorrence of the result, and their attachment to the constitution and the laws; for I believe that five times the number of militia that was required would have come forward, if it had been necessary, in support of them."

These extracts from general Washington's private correspondence, without reference to his public acts whilst president of the United States, will satisfy any reasonable and upright mind, that there was not the slightest ground for the pretence on the part of Mr. Jefferson, that he was not a federalist, in principle as well as in conduct; and still less for the assertion, that he was what the latter called a republican—that is, a member of his own am-

bitious, aspiring party. No person can doubt for a moment to whom general Washington alludes, when he speaks of the opposition—the leaders of that party—or the language of his letter to Patrick Henry, who was originally opposed to many things in the constitution, but more opposed to the principles of the democratic, or republican party, when he expresses his regret that the state of Virginia had taken the lead in that opposition; and justifies the charge by saying that the *principal leaders of that opposition dwell in Virginia*—when he says this party "hangs upon the wheels of government as a dead weight, opposing every measure that is calculated for defence and self-preservation, abetting the nefarious views of another nation upon our rights, preferring, as long as they dare contend openly against the spirit and resentment of the people, the interest of France to the welfare of their own country." He meant the democratic party, called by Mr. Jefferson the republican party, of which he was the founder and the acknowledged head, and over which he maintained the most controlling influence and the most absolute sway.

But to put the question of general Washington's federalism beyond the reach of doubt or cavil, and of course to fix upon all Mr. Jefferson's declarations and suggestions on that subject the mark of falsehood, the following extract from a letter to judge Washington, dated May 5, 1799, is adduced:—

"Your letter of the 26th ultimo, as also that of the 10th, has been duly received. The election of generals Lee and Marshall are grateful to my feelings. I wish, however, both of them had been elected by greater majorities; but they are elected, and that alone is pleasing.

"As the tide is turned, *I hope it will come in with a full flow;* but this will not happen if there is any relaxation on the part of the federalists. We are sure there will be

none on the part of the *republicans*, as they have *very erroneously called themselves.*"

It would have been difficult for Mr. Jefferson, with all his ingenuity in evading the force of truth, and his extraordinary skill in presenting any favorite topic to the public mind under false coloring, and in supporting it by fallacious reasoning, to pervert the meaning of this plain and explicit language. He might, and probably he would have resorted to the explanation that general Washington's powers of mind, which he had some years before alleged had given way, had at the date of this letter entirely failed; and that he must have been unconscious not only of what he said, but of what he thought. This letter is dated more than two years after he had retired from the administration of the government; and, of course, he had, during that period, been out of the way of the corrupting influence of federal advisers and councilors, and in a situation to act according to the dictates of his own unbiassed understanding and judgment. As it was impossible for him to mistake his own sentiments on a subject which had occupied his thoughts and governed his conduct for the eight years during which he had been at the head of the government, and as his administration had been uniformly regulated by federal principles, the attempt to represent him as having been, at heart, a Jeffersonian republican, was a calumny upon his pure and exalted character.

It will be borne in mind, that Mr. Jefferson's letter to Walter Jones, which has been quoted, is dated in 1814, and that to Martin Van Buren, June 29, 1824—the last two years before his death, and twenty-five years after the death of general Washington. His object in writing the letter at such a late period of his life, was doubtless what he says at the close of it had been his practice in other cases; viz., to leave it in the hands of a friend and to "throw

light on history, and recall that into the path of truth." Fortunately for general Washington's reputation, he left behind him abundant materials for the light of history, which will destroy every attempt of Mr. Jefferson, however secretly and artfully made, to misrepresent his principles, or defame his understanding or character.

CHAPTER XI.

Mr. Jefferson's last parting with general Washington at Mr. Adams's inauguration, March, 1797—Washington's faculties impaired—He had become alienated from Jefferson—general Washington's powers of mind never stronger than at the period alluded to—The origin, character, and object of Jefferson's Ana—Persons employed in collecting materials for the work—Story of Sir I. Temple, Hamilton, King and Smith—Story of governor Clinton and a militia general—Conversation between Langdon and Cabot, reported by Lear—Story from Baldwin and Skinner—Jefferson's account of the convention of 1787—Account not entitled to credit—The constitution made by federalists—Opposed by Jefferson's republicans—The account of both conventions untrue—Not a delegate from the eastern states at Annapolis—Assumption state debts part of a system of corruption—Scheme Hamilton's, Washington ignorant of the plan—Hamilton a monarchist—Conversation at Jefferson's dinner table—Conversation in August, 1791, between Jefferson and Hamilton about the constitution—Hamilton's opinion of it—Practice of noting down private conversations insidious—Such evidence unworthy of credit—Conversation between Jefferson and Washington, October, 1792—Jefferson informed Washington that Hamilton was a monarchist—Character of Hamilton by judge Marshall—Washington's letter, accepting Hamilton's resignation.

It will be recollected, that in his letter to Martin Van Buren, a large extract from which has been quoted above, Mr. Jefferson says, "My last parting with general Washington was at the inauguration of Mr. Adams, in March, 1797, and was warmly affectionate; and I never had any reason to believe any change on his part, as there was certainly none on mine."

One of the most remarkable circumstances in the character of Mr. Jefferson is, that in the course of his history, sentiments of the most contradictory description will be found on almost all subjects.

In the introductory remarks to his "*Ana*," which bear date February 5, 1818, he says, "From the moment of my retiring from the administration, the federalists got unchecked hold of general Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable, was beginning to relax, its energy was abated, a listlessness of labor, a desire for tranquility had crept on him, and a willingness to let others act, and even think for him. Like the rest of mankind, he was disgusted with atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady and rational character of the American people, in which he had not sufficient confidence. The opposition too of the republicans to the British treaty, and the zealous support of the federalists in that unpopular but favorite measure of theirs, had made him all their own. Understanding, moreover, that I disapproved of that treaty, and copiously nourished with falsehoods by a malignant neighbor of mine, who ambitioned to be his correspondent, *he had become alienated from myself personally*, as *from the republican body generally* of his fellow citizens; and he wrote the letters to Mr. Adams and Mr. Carroll, over which, in devotion to his imperishable fame, we must forever weep as monuments of mortal decay."

It would be degrading to general Washington's reputation, to say a word in attempting to vindicate it against this charge of mental decay and intellectual imbecility. His correspondence, between the period here alluded to,

and the time of his death, is before the world, in which the search after proof of the assertion made by Mr. Jefferson on that subject will be vain. The extraordinary powers of his mind were never more strikingly displayed than during the period alluded to. But the passage above quoted contains a direct and positive contradiction of the declaration in the letter to Martin Van Buren, that he never had any reason to believe there was any change in general Washington's friendly feelings towards him; for here he expressly says *he had become alienated from him*, as well as *from the republican body generally*. It has been shown from general Washington's own declarations, multiplied to a great number, that he viewed the party which Mr. Jefferson called republican, in the same light in which they were viewed by the federalists generally; and by his own declaration, that he had lost his confidence in the head of that party, Mr. Jefferson himself; or, in his own language, had become alienated from him.

Reference has been frequently made, in the course of this work, to that portion of Mr. Jefferson's posthumous volumes which is called "*Ana*." It is obviously a collection of materials for history, and was intended to establish his own reputation in future ages as a statesman and politician, and particularly as the great republican friend and benefactor of his country, who, by his persevering and disinterested zeal and patriotic devotion to its highest interests, preserved its republican constitution and prevented the introduction of a monarchical government in its stead. This collection he made the depository of a large portion of his slanders upon the federalists as a body, and particularly upon Alexander Hamilton, as one of the most able and distinguished individuals in their number. It will be observed, that all the entries in the "*Ana*" were made by himself; but the materials of which they are composed,

are said to have been derived from many different sources. A man like him, when possessed of the means of paying for such services, will always have persons enough about him of a suitable character and a proper disposition to perform the services which his pursuits and objects might require; and it appears that he was abundantly furnished with agents of this description.

One of the persons who appears to have been thus employed by him in this degrading service, was John Beckley, who for a number of years was clerk of the house of representatives of the United States. That he was well fitted for the business, is manifest from the fruits of his labors, as they were from time to time reported to his principal. In the 485th page of the 4th volume of Jefferson's Works, is the following statement:—

"June the 7th, 1793. Mr. Beckley, who has returned from New-York within a few days, tells me that while he was there, sir John Temple, consul-general of the northern states for Great Britain, showed him a letter from sir Gregory Page Turner, a member of parliament for a borough in Yorkshire, who, he said, had been a member for twenty-five years, and always confidential for the ministers, in which he permitted him to read particular passages of the following purport: 'that the government was well apprized of the predominancy of the British interest in the United States; that they considered colonel Hamilton, Mr. King, and Mr. W. Smith of South Carolina, as the main supports of that interest; that particularly they considered colonel Hamilton, and not Mr. Hammond, as their effective minister here; that if the anti-federal interest, (that was his term) at the head of which they considered Mr. Jefferson to be, should prevail, these gentlemen had secured an asylum to themselves in England.' Beckley could not understand whether they had secured it *them-*

selves, or whether they were only notified that it was secured to them. So that they understand that they may go on boldly in their machinations to change the government, and if they should be overset, and choose to withdraw, they will be secure of a pension in England, as Arnold, Deane, &c. had. Sir John read passages of a letter (which he did not put into Beckley's hand, as he did the other) from lord Grenville, saying nearly the same things."

This ridiculous story was too absurd even for Mr. Jefferson to swallow entire, for it is said in a note at the word themselves, that it was written in the margin (of the manuscript it is presumed) that it was "*Impossible as to Hamilton; he was far above that;*"—leaving it to be considered as a matter of fact, as far as his opinion went, that the charge against the other persons named, one of whom certainly was, and it is believed the other was, as little liable to such an imputation as was general Hamilton, was true. And yet, Mr. Jefferson left this entry on his "*Ana*," and placed it among his archives, for publication after his death.

Under the same date with the foregoing is the following—" Beckley tells me that he has the following fact from governor Clinton. That before the proposition for the present general government, i. e. a little before Hamilton conceived a plan for establishing a monarchical government in the United States, he wrote a draft of a circular letter, which was sent to about —— persons, to bring it about. One of these letters, in Hamilton's hand-writing, is now in possession of an old militia general up the North river, who at that time was thought *orthodox* enough to be entrusted in the execution. This general has given notice to governor Clinton, that he has this paper, and that he will deliver it into his hands, and no one's else. Clinton

intends, the first interval of leisure, to go for it, and he will bring it to Philadelphia. Beckley is a man of perfect truth, as to what he affirms of his own knowledge, *but too credulous as to what he hears from others.*"

As this is all that ever was heard from this very important document, and as it came to Beckley's knowledge by hearsay only, it is reasonable to conclude, that he was under the influence of too great *credulity* when he reported it to Mr. Jefferson—for there is no room to doubt that the whole is a fabrication.

There is in this extraordinary collection of gossiping scandal, a still further article from this same Mr. Beckley:—

"December the 1st, 1793"—just before Mr. Jefferson resigned the office of secretary of state—"Beckley tells me he had the following fact from Lear. Langdon, Cabot, and some others of the senate, standing in a knot before the fire after the senate had adjourned, and growling together about some measure which they had just lost; 'Ah!' said Cabot, 'things will never go right until you have a president for life, and an hereditary senate. Langdon told this to Lear, who seemed struck with it, and declared he had not supposed there was a man in the United States who could have entertained such an idea."

There are strong reasons for believing that this, as well as many other tales recorded in these "*Ana*," is a sheer fabrication. Men whose occupation is tale-bearing, are very rarely worthy of credit. Mr. Jefferson himself, as has been seen, declares Beckley to have been too credulous as to what he hears from others; and his associate in this transaction has been considered by many persons as worse than credulous. Mr. Cabot was thoroughly acquainted with the human character, and as little likely to expose himself to the enmity of those around him as any man who ever lived. Mr. Langdon and he were diamet-

rically opposed in politics—Mr. Cabot being a federalist, and Mr. Langdon a thorough Jeffersonian democrat. It is not to be believed, certainly without more creditable testimony than that of either Beckley or Lear, that he would place himself in the power of those who he must have known would watch every word he uttered, and if, in an unguarded moment, he should so far forget himself as to make use of a single expression that could be made a handle of to prejudice him in the minds of his countrymen, the opportunity would not be lost or neglected. And when we find in Mr. Jefferson's "memorandums," charges of a similar character with this against almost every distinguished federalist, it is difficult, if not impossible, to resist the conclusion, that the whole have been made up to answer the purpose he had in view. That purpose, if an opinion is to be formed from the nature of the materials which are contained in his works, and a regard is had to the time when they were professedly scraped together, was undoubtedly to subserve his personal ambition. If they were kept concealed in his own bureau until the time of his death, and never brought into light, then his object was, according to his own declaration, to *correct* the only historical work of the period, viz., the life of Washington by judge Marshall.

But after reading the following extract from the "*Ana*," Mr. Jefferson's claim to credit as a witness, will be more easily estimated—

"January the 5th, 1798. I receive a very remarkable fact indeed, in our history, from Baldwin and Skinner. Before the establishment of our present government, a very extensive combination had taken place in New York and the eastern states, among that description of people who were partly monarchical in principle, or frightened with Shays's rebellion and the impotence of the old congress. Delegates in different places had actually had con-

sultations on the subject of seizing on the powers of a government, and establishing them by force; had corresponded with one another, and had sent a deputy to general Washington to solicit his co-operation. He refused to join them. The new convention was in the mean time proposed by Virginia and appointed. These people believed it impossible the states should ever agree on a government, as this must include the impost and all the other powers which the states had, a thousand times, refused to the general authority. They therefore let the proposed convention go on, not doubting its failure, and confiding that on its failure would be a still more favorable moment for their enterprize. They therefore wished it to fail, and especially when Hamilton, their leader, brought forward his plan of government, failed entirely in carrying it, and retired in disgust from the convention. His associates then took every method to prevent any form of government being agreed to. But the well intentioned never ceased trying, first one thing, and then another, until they could get something agreed to. The final passage and adoption of the constitution completely defeated the views of the combination, *and saved us* from an attempt to establish a government over us by force. This fact throws a blaze of light on the conduct of several members from New York and the eastern states in the convention of Annapolis, and the grand convention. At that of Annapolis, several eastern members most vehemently opposed Madison's proposition for a more general convention, with more general powers. They wished things to get more and more into confusion, to justify the violent measure they proposed. The idea of establishing a government by reason and agreement, they publicly ridiculed as an Utopian project, visionary and unexampled."

It is very much doubted whether any intelligent com-

munity were ever called upon to believe a more incredible, or a more extravagant story than this. It is presumed that the Mr. Baldwin here mentioned was Abraham Baldwin, for many years a senator in congress from the state of Georgia. This gentleman was a native of Connecticut, but removed to Georgia soon after the peace of 1783, and was a member of the convention which formed the constitution of the United States, and one of those who signed it. Mr. Skinner, was probably Thompson J. Skinner, for a while member of congress from the state of Massachusetts. Both of them were warm democrats in politics, and the devoted friends of Mr. Jefferson. Whether any part of this story, and if so, how much of it, came from them to Mr. Jefferson, probably can never be known, as they have both for a long time been dead. But that two such individuals, living at such a remote distance from each other, should have become so intimately acquainted with the political plans and movements of those from whom they totally differed in principles and in measures, is, to say the least, very extraordinary. But not more extraordinary than the story itself. Here it is stated, that an extensive combination had been formed of those who afterwards appeared as federalists, under general Hamilton as their leader, for a purpose treasonable against the people of the United States—for government they had none—to seize on the powers of a government by force, and that they had the assurance to request general Washington to join them in their absurd, as well as treasonable and desperate enterprise; which he, however, refused. That when the convention of 1787 was called, they were so confident that no plan of a government would be agreed upon, that "*they let the proposed convention go on*," not doubting its failure, and thinking that after its failure, they would have a favorable opportunity to carry their project

into effect; which was to establish a government by force; that those who had good intentions in the convention, undoubtedly aware of the designs of these persons, tried one thing after another, until the constitution was approved by the convention; which defeated the combination, and saved the country from an attempt to establish over it a government by force. Some important facts, which Mr. Jefferson, in his eager anxiety to render the federalists odious, seems to have lost sight of, should be recalled to mind.

A great majority of the men who made the constitution, were federalists. The men who opposed it in all its stages in the convention, and who eventually withheld their signatures from it, and those who afterwards opposed its adoption in the conventions of the states, were persons who were afterwards called republicans of Mr. Jefferson's school and party. Among them, in the convention, were James Monroe, of Virginia, afterwards president of the United States, Elbridge Gerry, of Massachusetts, afterwards vice president of the United States, Robert Yates and John Lansing, jun., of the state of New York. These were all Jeffersonian republicans; and in their several states, exerted themselves to the utmost of their abilities, to prevent the adoption of the constitution. But Alexander Hamilton, who Mr. Jefferson so often declares was a monarchist of the most dangerous description, and Rufus King, two of the three individuals who are said, in sir John Temple's letter from sir Gregory Page Turner, to have secured themselves an asylum in England, in the event of the anti-federal interest prevailing, actually signed the constitution, and in the conventions in their respective states, were among the most active and influential members in procuring its adoption. These men, and their federal friends, are those who are here described as having, under the belief that no constitution could be agreed upon, "*let*

the convention go on," flattering themselves that their proceedings would terminate in nothing, that the country would be plunged into a state of anarchy, and that out of it they should secure their favorite object, viz., a monarchy.

But it proved, notwithstanding the sanguineness of their expectations and calculations, that these desperate and determined monarchists, by persevering exertions, by compromises and concessions, by demanding little and yielding much, did, at length, in spite of Mr. Jefferson's friends, frame a constitution which was agreed to by a large majority of the convention, and afterwards adopted by the people, comprising nearly every federal member who was present. And this is what he calls saving *us* from an attempt to establish over us a government by force. The man who can believe, at this late period, Mr. Jefferson's history of the matter, is in no danger of being stigmatized as a political infidel.

There is some part of this account, however, which shows in the clearest manner, how little entitled to credit Mr. Jefferson's testimony is, especially in a case where his passions and his interest operated in biasing his mind and his feelings. Alluding to the fact of the convention having agreed to the constitution, and of its effects upon the country, in saving us from the establishment over it of a government by force, he says—"This fact throws a blaze of light on the conduct of several members from New York and the eastern states in the convention of Annapolis, and the grand convention. At that of Annapolis, several *eastern members* most vehemently opposed Madison's proposition for a more general convention, with more general powers. They wished to get things more and more into confusion, to justify the violent measure they proposed."

This statement is made in so circumstantial a manner, that it is apparent that Mr. Jefferson intended the world

should have no doubt that he believed it to be true. As the knowledge of the things alleged as having taken place at both conventions, and particularly that of Annapolis, if they ever occurred, must have been known to his most intimate and confidential friend Mr. Madison, who was a member of both, it would naturally be concluded that the information was derived from him. Mr. Madison, upon finding that the proposed convention at Annapolis had failed, for the want of delegations from a majority of the states, is said to have made the proposition for another convention; of course he must have been well acquainted with everything that occurred in the meeting at Annapolis. The means of ascertaining what took place on that occasion were therefore at Mr. Jefferson's command, who might have inquired of his friend almost any day after his return from his foreign mission. Now, it is peculiarly unfortunate for him, that he should sacrifice his character for veracity in such a case as this, where the history of the country would convict him of deliberately recording a falsehood, in his own private register of events, for the use of the future historian of the times; especially, as one object which he professes to have had in view was, to provide materials for the correction of judge Marshall's Life of Washington.

The fact is, and was perfectly known at the time to the country at large, and it is not to be supposed that Mr. Jefferson could have been ignorant of what was so notorious, that there was not a single delegate from any of the eastern states, that is the New England states, at the Annapolis convention. Of course, the whole story about the members from the eastern states, being opposed to Madison's proposition for a second convention, and in favor of a monarchical system, is untrue; and was undoubtedly fabricated for the purpose of casting upon them the re-

proach of having wished to introduce a monarchical government into the United States. No man whatever his station in life or his character might previously have been, who should deliberately testify before a court and jury, to such an unfounded story as this, would be entitled to the least degree of credit.

After giving an account in his "*Ana*" of the adoption of the measure for assuming the state debts, and considering it as an important part of the grand system of corruption devised by general Hamilton for that great object, Mr. Jefferson says,—

"I know well, and so must be understood, that nothing like a majority in congress had yielded to this corruption. Far from it. But a division, not very unequal, had already taken place in the honest part of that body between the parties styled republican and federal. The latter, being monarchists in principle, adhered to Hamilton, of course, as their leader in that principle; and this mercenary phalanx added to them insured him always a majority in both houses, so that the whole action of the legislature was now under the direction of the treasury. Still the machine was not complete. The effect of the funding system and of the assumption would be temporary; it would be lost with the loss of the individual members whom it had enriched, and some engine of influence more permanent must be contrived while these myrmidons were yet in place to carry it through all opposition. This engine was the bank of the United States. All that history is known, so I shall say nothing about it. While the government remained at Philadelphia a selection of members of both houses were constantly kept as directors who, on every question interesting to that institution or to the views of the federal head, voted at the will of that head; and, together with the stockholding members, could al-

ways make the federal vote that of the majority. By this combination legislative expositions were given to the constitution, and all the administrative laws were shaped on the model of England, and so passed. And from this influence we were not relieved until the removal from the precincts of the bank to Washington.

"Here, then, was the real ground of the opposition which was made to the course of administration. Its object was to preserve the legislature pure and independent of the executive, to restrain the administration to republican forms and principles, and not permit the constitution to be construed into a monarchy and to be warped in practice into all the principles and pollutions of their favorite English model."

Mr. Jefferson acquits general Washington of having such propensities. He says, "He was true to the republican charge confided to him." But he adds, "he was not aware of the drift or of the effect of Hamilton's schemes. Unversed in financial projects and calculations and budgets, his approbation of them was bottomed on his confidence in the man."

At the moment when Mr. Jefferson is representing general Washington as placing this confidence in general Hamilton, he says that general Washington was acquainted with his (Mr. Jefferson's) suspicions of Hamilton's designs. Now, as general Washington had been far more thoroughly acquainted, both in war and peace, with general Hamilton than Mr. Jefferson could have been, the circumstance that those suspicions had no effect in destroying general Washington's confidence in him, was the strongest evidence in favor of the talents and integrity of general Hamilton, and might have been viewed and felt by Mr. Jefferson as a severe reproof for his unfounded and injurious estimate of general Hamilton's character.

But Mr. Jefferson, not discouraged or disheartened in the prosecution of his plan, proceeds to charge general Hamilton, in a more direct and peremptory manner, with entertaining monarchical sentiments, and those of the worst and most disreputable kind. The following is an extract from vol. 4, p. 450 of his works ("*Ana.*")

"But Hamilton was not only a monarchist but for a monarchy bottomed on corruption. In proof of this I will relate an anecdote, for the truth of which I attest the God who made me. Before the president set out on his southern tour in April, 1791, he addressed a letter of the fourth of that month from Mount Vernon to the secretaries of state, treasury and war, desiring that if any serious and important cases should arise during his absence, they would consult and act on them. And he requested that the vice-president should also be consulted. This was the only occasion on which that officer was ever requested to take a part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen (and the attorney-general as well as I remember) to dine with me, in order to confer on the subject. After the cloth was removed and our question agreed and dismissed, conversation began on other matters, and by some circumstance was led to the British constitution, on which Mr. Adams observed, 'Purge that constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man.' Hamilton paused and said, 'Purge it of its corruption, and give to its popular branch equality of representation, and it would become an *impracticable* government; as it stands at present, with all its supposed defects, it is the most perfect government which ever existed.' And this was assuredly the exact line which separated the political creeds of these two gentlemen.

The one was for two hereditary branches and an honest elective one, the other for an hereditary king with a house of lords and commons corrupted to his will, and standing between him and the people. *Hamilton was, indeed, a singular character. Of acute understanding, disinterested, honest and honorable in all private transactions, amiable in society and duly valuing virtue in private life,* yet so bewitched and perverted by the British example as to be under thorough conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare of royalty and nobility during his mission to England had made him believe their fascination a necessary ingredient in government; and Shays's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression was not a sufficient guaranty of order. His book on the American constitution having made known his political bias he was taken up by the monarchical federalists in his absence, and on his return to the United States he was by them made to believe that the general dispositions of our citizens was favorable to monarchy."

This story is told in a manner rather more concise in a letter from Mr. Jefferson to Dr. Benjamin Rush, dated January 16, 1811, and published in the 4th volume of his works, page 154.

It is a remarkable fact that the only account of this extraordinary conversation is derived from Mr. Jefferson. There were, by his statement, present on this memorable occasion vice-president Adams, Mr. Jefferson, secretary of state, general Hamilton, secretary of the treasury, general Knox, secretary of war, and Edmund Randolph, attorney general. It is scarcely possible, if such sentiments were uttered by two such high and distinguished officers of the

government, in the presence of so many others, that the fact should not, in some form or other, have been disclosed to the public. Mr. Jefferson, at whose table it was uttered, by his own account does not appear to have been backward in expressing his opinions and sentiments respecting general Hamilton. And yet, in this memorable instance, where the opportunity was a peculiarly favorable one for the objects he obviously had in view in vilifying general Hamilton as one of the most distinguished individuals among the federalists, and especially as one of general Washington's cabinet, if any reliance may be placed upon his dates, he first communicated an account of this conversation to a private correspondent more than six years after general Hamilton's death, and recorded it in his "*Ana*" nearly fourteen years after that event. These things could not have been done at the time when, if they ever occurred, they were done, with any expectation of saving the country from the evils of general Hamilton's monarchical propensities or plots, as he had left the government ten years before his death, and had been in his grave twenty-four years before the date of Mr. Jefferson's "*Ana.*" They must have been made from mere hatred of general Hamilton's name and reputation, or, what is perhaps equally probable, to take off the force of judge Marshall's testimony in favor of general Hamilton's great talents and services in his Life of Washington.

Mr. Jefferson was not satisfied to leave the matter as it stood in his letter to Dr. Rush, and in the introduction to his "*Ana.*" By pursuing the course of that article, the following passage will be found—

"August the 13th, 1791. Notes of conversation between Alexander Hamilton and Thomas Jefferson. Thomas Jefferson mentioned to him a letter received from John Adams, disavowing Publicola, and denying that he ever

entertained a wish to bring this country under an hereditary executive, or introduce an hereditary branch of legislature, &c. (See his letter.) Alexander Hamilton, condemning Mr. Adams's writings, and most particularly Davila, as having a tendency to weaken the present government, declared in substance as follows: 'I own it is my own opinion, though I do not publish it in Dan or Beersheba, that the present government is not that which will answer the ends of society by giving stability and protection to its rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectations may be. The success, indeed, so far, is greater than I had expected, and therefore, at present, success seems more possible than it had done heretofore, and there are still other and other stages of improvement, which, if the present does not succeed, may be tried, and ought to be tried, before we give up the republican form altogether; for that mind must be really depraved, which could not prefer the equality of political rights, which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore, whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, and he was sure Mr. Adams's were pure.' This is the substance of a declaration made in much more lengthy terms, and which seemed to be more formal than usual for a private conversation between two, and as if intended to qualify some less guarded expressions which had been dropped on former occasions. Thomas Jefferson has committed it to writing in the moment of Alexander Hamilton's leaving the room."

No frank, open-hearted, sincere man, ever made a practice of noting down private conversations between himself

and those with whom he was accustomed to associate, either for the purposes of business or the intercourse of friendship. Whoever does it, must be actuated by some secret, sinister, and insidious design of using it at some future time, either for his own benefit or the injury of his companion. This is a striking instance to prove the justice of these remarks. This conversation is alleged to have taken place in 1791, and was kept on hand until both the parties were dead, and never promulgated until nearly thirty years after it occurred, when it was left to be published with the other posthumous works of the author. The testimony of such a witness, under such circumstances, is entirely unworthy of credit, under whatever form it appears, and before whatever tribunal it is adduced.

But admitting that it is entitled to any consideration, what, upon the face of it, is its import? Nothing more than this—that within the two first years of the existence of the new government, before any fair experiment had been tried of its efficacy, and when the party of which Mr. Jefferson was the secret but actual leader, were exerting themselves in every possible way to obstruct, embarrass, and defeat the measures of the administration, the man who, of all others, had exerted, and was exerting his great talents to carry it on prosperously, was doubtful of the issue, and expressed his fears for the result. At the same time, aware that if the experiment failed and the government should fall before its opposers, the next experiment would necessarily be of a more energetic system,—that before the present government was abandoned, every effort should be made to carry it into effect, and those would be *to blame* (probably general Hamilton, if he said anything about it, made use of a much stronger expression,) who should disturb the existing order of things.

Under the date of October 1, 1792, after giving an ac-

count of a conversation with general Washington, relating to his (Mr. Jefferson's) determination to leave his office, which led to the subject of general Washington's declining a second election; among other arguments urged to dissuade Mr. Jefferson from resigning, he states that the president said—"That he thought it important to preserve the check of my opinions in the administration, in order to keep things in their proper channel, and prevent them from going too far. That as to the idea of transforming this government into a monarchy, he did not believe there were ten men in the United States whose opinions were worth attention, who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table, a little before we left Philadelphia, between general Schuyler on one side and Pinckney and myself on the other, wherein the former maintained the position that hereditary descent was as likely to produce good magistrates as election. I told him that though the people were sound, there were a numerous sect who had monarchy in contemplation; *that the secretary of the treasury was one of these.* That I had heard him say that this constitution was a shilly-shally thing, of mere milk and water, which could not last, and was only good as a step to something better. That when we reflected, that he had endeavored in the convention to make an English constitution of it, and when failing in that, we saw all his measures tending to bring it to the same thing, it was natural for us to be jealous; and particularly, when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the treasury, doing whatever he had directed, and ready to do what he should direct."

In this last passage Mr. Jefferson comes directly to the

point, and avers, that in a conversation with general Washington in October, 1792, he stated to him that there were a numerous sect of politicians in the country who had monarchy in contemplation, and that *general Hamilton was one of them.* Here was a direct attempt on the part of Mr. Jefferson to excite jealousy and hostility between general Washington and general Hamilton, on a subject the most likely of all others to create discord and alienation of feeling. But notwithstanding he takes much pains, in a variety of instances, to have it understood that he was confidentially intimate with general Washington, that they had frequent intercourse with each other, exchanged sentiments freely, and were on the best terms; still, he had not influence enough to shake general Washington's confidence in general Hamilton's integrity and principles. The latter remained at the head of the treasury until December, 1794, when he resigned his office and retired to private life.

Judge Marshall, in his Life of Washington, when noticing this event, says—

"Seldom has any minister excited in a higher or more extensive degree than colonel Hamilton, the opposite passions of love and hate. His talents were of a grade too exalted not to receive from all the tribute of profound respect; and his integrity and honor as a man, not less than his official rectitude, though slandered at a distance, were admitted to be superior to reproach by those enemies who knew him.

"But with respect to his political principles and designs, the most contrary opinions were entertained. While one party sincerely believed his object to be the preservation of the constitution of the United States in its original purity; the other, with perhaps equal sincerity, imputed

to him the insidious intention of subverting it. While his friends were persuaded that he viewed foreign nations with an equal eye, (as a statesman) his enemies could perceive in his conduct only hostility to France and attachment to her rival."

After alluding to the difficult times in which he was called to act, particularly those arising from the sentiments in the country towards the French revolution—that he judged that great event without prejudice, and had the courage to predict that it could not terminate in a free and popular government; and stating his opinions respecting the nature of our government and the probable sources of its danger, judge Marshall adds—

"In the esteem and good opinion of the president, to whom he was best known, colonel Hamilton at all times maintained a high place. While balancing on the mission to England, and searching for a character to whom the interesting negotiation with that government should be confided, the mind of the chief magistrate was directed, among others, to this gentleman. He carried with him out of office the same cordial esteem for his character and respect for his talents which had induced his appointment."

In his letter accepting general Hamilton's resignation of the office of secretary of the treasury, the president said—"I cannot suffer you, however, to close your public service without uniting to the satisfaction which must arise in your own mind from conscious rectitude, assurances of my most perfect persuasion that you have deserved well of your country.

"My personal knowledge of your exertions, while it authorizes me to hold this language, justifies the sincere friendship which I have borne you, and which will accompany you in every situation in life."

This strong expression of respect and affection from such a man as George Washington, whose feelings were elevated as far above all affectation and hypocrisy, as his life had been above hollow-hearted professions and selfishness, might with the most sincere gratification be placed in the scale opposite to Mr. Jefferson's dark, concealed, and insidious slanders; and had he been fully informed of what Mr. Jefferson's posthumous publications were to contain, he might, and he doubtless would, have manifested towards him and them, the most heart-felt contempt.

Equally unfortunate was Mr. Jefferson in his attempts to revile and ridicule Hamilton's financial system. That scheme, which he says was intended to puzzle one portion of the community and to corrupt the other, was, in itself, one of the most extraordinary efforts of the human mind, in a political point of view, and its effects upon the country were of the most beneficial kind. It has been seen what views he entertained, or professed to entertain of it. In opposition to them may be placed the sentiments of a much greater statesman than Mr. Jefferson ever was. In a speech, delivered at a meeting of citizens of the city of New York in 1831, by Daniel Webster, a senator in congress from the state of Massachusetts, when speaking of general Hamilton, he said—"He saw at last his hopes fulfilled; he saw the constitution adopted, and the government under it established and organized. The discerning eye of Washington immediately called him to that post which was infinitely the most important in the administration of the new system. He was secretary of the treasury; and how he fulfilled the duties of such a place, at such a time, the whole country perceived with delight and the whole world saw with admiration. He smote the rock of the national resources, and abundant streams of

revenue burst forth. He touched the dead corpse of the public credit, and it sprung upon its feet. The fabled birth of Minerva, from the brain of Jove, was hardly more sudden, or more perfect, than the financial system of the United States, burst forth from the conceptions of ALEXANDER HAMILTON."

CHAPTER XII.

Mr. Jefferson's policy to render the federalists unpopular by stigmatizing them as monarchists—In his letter to Mazzei he charges general Washington with being a monarchist—John Adams originally a republican—Essex federalists—No proof adduced to support the charge—Truth to be ascertained by the measures of the government while under their control—Judiciary—Payment of the national debt—Hamilton's funding system adopted—National bank—Opposed by the republicans—Its constitutionality established by the supreme court and acknowledged by congress—Not monarchical—The true ground of opposition its being owned and managed by federalists—Establishment of a navy—Its necessity and utility universally admitted—Mr. Jefferson's opposition to the British treaty and wish to screen Genet, evidence of his attachment to France—Jefferson discovered nothing monarchical in the federalists until after his party was formed—Letter to Carmichael, March, 1791—Sentiments in the Ana in 1818—His greatest apprehension of monarchy arose from the levees, &c.—All ground of fear had been removed before his Ana were written.

From many references which have been made to, and quotations from, Mr. Jefferson's works, it has been seen that the principal artifice used by him to render the federalists unpopular, and in that way to destroy their influence, was to stigmatize them as monarchists. In the commencement of his "Ana" he says, "But a short review of facts * * * * will show that the contests of that day were contests of principle, between the advocates of republican and those of a kingly government; and that, had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts

have made it." What is to be understood by these asterisks it is not easy to determine; but the sentence assumes it as a fact that there was a party in the country who were endeavoring to change the republican system of its government into a monarchy. This is a specific and certainly a very serious charge; and if not founded in truth is not only disreputable but base and detestable. By persisting in it he eventually succeeded in making it to be believed by a large portion of the people, and at the same time established his own claim to the character of the great champion of republicanism. In his letter to Mazzei he makes a specific charge of monarchical principles against general Washington, and he rarely missed an opportunity of alleging it against several of the members of his cabinet, and particularly against general Hamilton. He professes to repeat frequent conversations with that distinguished man, in which he avers that general Hamilton openly, and without the least reserve, declared his preference for a monarchy over a republican government, and even a monarchy bottomed on corruption. A similar charge is made by him against general Knox; and then enlarging the circle he says, that upon his entering upon the office of secretary of state early in the year 1790, and during the first session of congress under the new constitution, at dinner parties to which he was invited and present, "a preference of kingly over republican government was evidently the favorite sentiment." Even Mr. John Adams, with whom he carried on an intimate and animated epistolary correspondence for a good many years before their deaths, in his "Ana" is involved in the same condemnation. "Mr. Adams," he says, "had *originally* been a republican. The glare of royalty and nobility during his mission to England, had made him believe their fascination a necessary ingredient in government." "His

book on the American constitution having made known his political bias, he was taken up by the monarchical federalists in his absence, and on his return to the United States he was by them made to believe that the general disposition of our citizens was favorable to monarchy. He here wrote his Davila, as a supplement to the former work, and his election to the presidency confirmed him in his errors."

In one of his letters, dated January 13, 1813, he says, "Anglomany, monarchy and separation, then, are the principles of the Essex federalists; Anglomany and monarchy those of the Hamiltonians, and Anglomany alone that of the portion among the *people* who call themselves federalists." His allegations respecting some of the members of the conventions of Annapolis and Philadelphia will be found in this work. He says repeatedly that general Washington knew his suspicions of general Hamilton's designs against the government, and he adds in one instance that he wished to quiet them.

Charges and insinuations of this kind are to be found scattered through a large portion of Mr. Jefferson's correspondence, sometimes more and sometimes less direct, according to the character of the correspondent or the nature of the object he had in view, but always clear and explicit enough to answer his purpose.

In the letter to Mr. Melish, dated January 13, 1813, from which a passage has been cited, he says, "I sincerely wish our differences were but personally who should govern, and that the principles of our constitution were those of both parties. Unfortunately it is otherwise; and the question of preference between monarchy and republicanism, which has so long divided mankind elsewhere, threatens a permanent division." Here the charge that monarchical principles not only existed here as late as 1813,

but that they threatened to establish a permanent division among the people is explicitly made. To prove the justice of this charge, advanced by Mr. Jefferson immediately after the organization of the government and persevered in down almost to the close of his life, it would seem to have been necessary for him to produce something in the shape of evidence. At the date of this letter he had made it and persisted in it against the federalists for more than twenty years. Those distinguished persons who were first singled out as the objects of his maledictions had long been dead; and of course all danger to our institutions and system of government from their precepts or example was at an end. But as that which he called a revolution, that is, his own elevation to the head of the government, had been accomplished, in a very essential degree, by the inculcation of this imputation among the people at large, he was desirous of persevering in it to the last, in order to secure and perpetuate his title to the character of the great republican patriot of the United States. It therefore becomes a subject of much importance to examine the history of federalism and the character and conduct of the federalists as a great political party, who formed and procured the adoption of the constitution of the United States, and administered the government under it for the first twelve years of its existence, in order to ascertain by the truth of history whether they ever, jointly or severally, entertained monarchical principles or attempted to introduce a monarchy into their country. If it be true that those who formed the constitution did endeavor to destroy the work of their own hands, and attempted to transform the government established by their exertions into a monarchy, the proof of it must necessarily appear in the proceedings of that government whilst it was under their care. And if, after a thorough examination, no such proof can be found, the

conclusion will be irresistible, not only that the charge is without foundation, but that it was made, and persevered in, for the basest of purposes.

One of the earliest, and undoubtedly one of the most important, measures adopted at the first session of the first congress under the constitution, was the establishment of a national judiciary. As the constitution provided expressly for such a branch of the government, it became the duty of congress to establish courts in pursuance of that provision. Of course the measure itself could not be considered as monarchical in its character or tendency; or if it was it was the fault of the constitution, and not of the administration or of the congress.

Another important measure which occupied much of the time and attention of the first congress, was the adoption of a plan for the adjustment and payment of the national debt. This debt was incurred during the war of independence and lay with immovable weight upon the states. The constitution gave the power, in express terms, to provide the means to pay the debts of the United States. A large part of the amount was due to foreigners, and the residue was scattered among their own citizens. There was no difference of opinion respecting the duty of discharging it as fast as the means of the government would allow. The difficulty arose respecting the manner of accomplishing it.

A great deal of discussion took place on that point of the case; which was finally terminated by the adoption of the plan proposed by the secretary of the treasury, commonly called the funding system, which passed both houses of congress and was approved by president Washington. This measure was satisfactory to the public creditors; and under its operation, the debt was eventually paid in full, without burdening the country. If there was anything

monarchical in the adoption of a measure expressly provided for in the constitution, and required by every principle of national honesty and honor, there might have been some color for the charge preferred by Mr. Jefferson against the federalists for forming and adopting the funding system, and paying the debts of the United States. If there was not—if integrity in the performance of so plain and obvious a duty as that of paying debts justly incurred, and honestly due, is a republican principle, and a proper characteristic of a republican government, it must have been brought as a charge of monarchical propensity in the federalists for the sole purpose of swelling the catalogue of calumnies against that description of politicians. Men might naturally be supposed likely to differ about the mode of accomplishing so important an object as that of the payment of so large and meritorious a debt, and a majority might be mistaken in the adoption of a plan for that purpose. But in neither case, had it occurred, would it have had the least possible tendency to prove a monarchical disposition, or design, in the party who had fallen into the error. If there was anything of such a character in the funding system, it must have been in carrying it into effect. Now it is a little remarkable, that for eight years, during the period of his own administration of the national government, when that system was in the course of execution, Mr. Jefferson often boasted of the large payments of the public debt that had been made under it; and although it was in full force during every successive administration, until the debt was finally paid in full, the monarchical tendency of it has not since his election as president, caused any alarm or anxiety for the safety of republicanism in these United States; nor has it ever been alluded to by any succeeding president, as tending to the introduction of monarchy.

Another measure which met with strong opposition from Mr. Jefferson and his political friends, was the proposition to establish a national bank. This was violently opposed on various grounds, and particularly as being not warranted by the constitution. The act for its establishment was passed, notwithstanding these objections, and approved by president Washington. Its constitutionality was subsequently brought before the supreme court, where it was fully considered, and established by a regular judicial decision. Among the most able and the most strenuous opponents of the institution was Mr. Madison of Virginia, afterwards president of the United States. It is a remarkable circumstance, that the charter of the bank expired during his administration; and such was found to be the absolute necessity of a national monied institution, in the management of the affairs of the government, that a new bank, with a capital nearly four times as large as the former, was incorporated, and Mr. Madison, who, when a member of the house of representatives, most zealously opposed the establishment of the first bank on the ground of its unconstitutionality, approved and signed the second bill as president of the United States.

The constitutionality of a national bank has been acknowledged by congress under every administration since the formation of the government, except that under which the last bank expired. The question may, therefore, be considered as settled, as far as the opinion of congress, the decision of the courts, and the acquiescence of the country for forty years, can settle any such question. Still, the monarchical tendency of such an institution may not be affected by any of the foregoing considerations. The government, in all its branches, *may* have approved of it, and the people may have acquiesced in it for nearly half a century, and yet its tendency may have been necessarily

towards the introduction of a monarchy in the place of our republican government. If so, it was beyond doubt a most dangerous institution. Such Mr. Jefferson says it actually was. In a letter to Mr. Gallatin, without date, but which, by its position in his correspondence, was probably written in December, 1803, or January 1384, he says, "from a passage in the letter of the president, I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing against the principles and form of our constitution. The nation is, *at this time, so strong* and united in its sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, or *to unhinge the confidence of the people in the public functionaries;* an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may in a critical moment, upset the government. I deem no government safe which is under the vassalage of any *self-constituted authorities*, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this bank of the United States, with all its branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile we know, 1. From a knowledge of *the principles of the persons composing the body of directors* in every bank, principal or branch; and *those of most of the stockholders.* 2. From their opposition to the measures and principles of the government, and to the election of those friendly to them; and, 3. From the *sentiments of the newspapers* they support. Now, while *we are strong*, it is the greatest duty we owe to the safety

of our constitution, to bring this powerful enemy to a perfect subordination under its authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favors of the government."

It was not sufficient for Mr. Jefferson, in order to maintain the ground he had taken, to prove that a national bank was mischievous, or even unconstitutional. It might have been both, and yet had no monarchical tendency. That he, and of course that the leaders of his party, were opposed to such an institution, is undoubtedly true. And whoever will carefully examine the foregoing extract from his correspondence, will easily discern what was the real ground of his opposition. His remark is, that the bank was one of the most deadly hostility against the principles and form of our constitution. He says, that the nation was, at that moment, *too strong* and united in its sentiments to be shaken. But if a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, *or to unhinge the confidence of the people in the public functionaries*, such an institution, acting by command, and in phalanx, might in a critical moment upset the govment. He argues this from a knowledge of *the principles of the directors of the bank* of the United States, and those of most of *the stockholders*—from their opposition to the the measures of the government—and from *the character of their newspapers!* The true meaning of all this is, that the officers of the bank and many of the stockholders were federalists, that they disapproved of *his administration;* and if anything should ever *destroy the confidence of the people in his principles and measures*, they *would thereby destroy the government* and bring in a monarchy. At the same time, he did not at that moment apprehend any immediate danger. He considered his own popularity too

firmly established to be shaken. Of course, the inference is too obvious to be questioned, that in his view the government would be safe, as long as his popularity and influence lasted, from their monarchical propensities and intentions; but whenever the time should come that would bring about a change in the public feeling, and his popularity should decline, or be destroyed, then the bank would step in and overthrow the government. Then it would show its true character, which he declares to be, one of the most deadly hostility against not only "the principles, but the *very form of the government.*" This explains Mr. Jefferson's meaning when he declares *his election to have been a revolution.*

But allowing all that he can claim for his sentiments, as above announced, respecting the character and capacity of the bank for mischief, he falls far short of proving its monarchical tendency or its power to "upset the government." If it had accomplished the latter object, it might possibly have plunged the country into a state of anarchy; but it does not follow as a necessary consequence, that it would have established a monarchy. He had no such fears. He talked of monarchy and monarchical propensities and designs among the federalists, solely for the purpose of holding himself up as the great friend of the people, the defender of their rights, and the "apostle of republicanism." This is the language of every demagogue who has ever undertaken to deceive a community for the purpose of accomplishing his own ambitious views and projects.

Experience has proved that there was nothing in the character of a national bank which had any tendency to change our republican government into a monarchy. The two institutions continued in force for forty years, out of forty-six, after the establishment of the government. They both proved in a high degree useful to the country, and

had a most important agency in promoting the general welfare and prosperity. The condition of the pecuniary affairs of the union, since the expiration of the second, and especially the pecuniary distresses of 1837, afford the best commentary on the wisdom of congress in providing such an institution; and the loss of it was most severely felt in the depression of the value of property, and of all the business of the country.

The proposition for the establishment of a navy, was a measure exclusively of federal origin. To this Mr. Jefferson and of course his partizans, were most decidedly opposed. General Washington, in his official communication to congress at the session immediately preceding his final retirement from office, urged its necessity and importance upon the consideration of that branch of the government; and during the short period of his successor's administration, much was done towards the establishment of that species of national protection and defence. Mr. Jefferson followed Mr. Adams as president; and under his influence the naval system was abandoned, and a large proportion of the force which had been built up under the former was reduced and sold by the latter.

The history of the government since the administration of Mr. Jefferson closed, and the universal manifestation of public opinion in favor of a navy, are sufficient to determine the relative merits of federal policy, and his opinions on the subject. Whatever its tendency might have been in his view, whether monarchical or republican, there is no political topic in the whole circle of national affairs, in which the people of the United States have come more fully to agree, than in the absolute necessity of a navy to our national security. In a letter to Elbridge Gerry, dated January 26th, 1799, (Jefferson's Works, 3d vol. page 409,) he says, "I am for relying for our internal defence

on our militia solely until actual invasion, and for such a naval force only as may protect our coasts and harbors from such depredations as we have experienced; and not for a standing army in time of peace, which may overawe the public sentiment; nor for a navy, which, by its own expenses and the eternal wars in which it will implicate us, will grind us with public burthens, and sink us under them." These were his sentiments. Events have shown that they were unworthy of a great statesman, or even a practical politician.

Mr. Jefferson was opposed to the treaty between the United States and Great Britain, negotiated by Mr. Jay, which was far more beneficial to this country than any treaty we have ever had with that nation from that day to this. His feelings in relation to it are to be accounted for upon the ground of his attachment to France and enmity to Great Britain. Mr. Jefferson manifestly wished to screen Genet from the censure of our government during his residence in this country as minister from France.

Here also his French feelings got the upperhand as in the before mentioned case.

But if there was anything in the conduct of our administration, in either, or in all these transactions that had a monarchical tendency, all danger from them had ceased long before his "Ana" were written, or his letters selected and prepared for publication; so that as far as that danger was concerned, his mind must have been relieved from all apprehensions from that quarter.

There was nothing in the nature or tendency of the measures or policy of the government under the federal administration of it, that savored in the slightest degree of monarchical principles or propensities. Nor did Mr. Jefferson himself profess to consider them as of such a character, until the party of which he was the original head and lead-

er, had become more distinctly formed, and it became necessary for them, in their future plans and operations, to assume a counter-sign, by which they should be known and rallied. In March, 1791, he was apparently gratified with the measures of the government. In a letter of that date to William Carmichæl, who held then a diplomatic office in Spain, he remarks—"The term of the first congress having expired on the 3d inst., they separated on that day, much important business being necessarily postponed. New elections have taken place for the most part, and very few changes made. This is one of many proofs that the *proceedings of the new government have given general satisfaction.* Some acts, indeed, have produced local discontents; but these can never be avoided." These sentiments were uttered, in this confidential manner, to a man with whom he appears to have been on terms of private as well as public intimacy and friendship. And this letter was written after the establishment of the judiciary, the national bank, the adoption of the funding system, and the assumption of the state debts—the great measures of the government at its outset, and which, from the language used, and the sentiments expressed by him afterwards, and particularly in that extraordinary farrago which goes under the name of "Ana," and has been so often quoted from or referred to, would seem to have been peculiarly obnoxious to him. In February, 1818, writing professedly on what occurred nearly thirty years before, he calls the financial system which had been established before the date of his letter to Carmichæl "a puzzle," intended "to exclude popular understanding and inquiry;" and "a machine for the corruption of the legislature." And he adds, that "with grief and shame it must be acknowledged that his machine was not without its effect." He afterwards does say that "nothing like a majority in congress had yielded to

this corruption. Far from it. But a divison not very unequal had already taken place in the honest part of that body between the parties styled republican and federal. The latter being monarchists in principle adhered to Hamilton, of course, as their leader in that principle, and this mercenary phalanx added to them insured him always a majority in both houses; so that the whole action of the legislature was now under the direction of the treasury." If this state of things ever existed, it was before the date of the letter to Carmichæl. That was written in 1791; the above extract from the "Ana," in 1818. In the former he unquestionably wrote his real sentiments, when he said the proceedings of the government had given general satisfaction, though some of the acts of congress had produced local discontents, which could never be avoided. In the latter, he was laying up materials for history, and his object was to blacken the characters of the federalists, and to elevate his own.

But it would seem from his own often repeated declarations, that the greatest cause of his fears for the liberties of his country was the pomp and parade which was observed about the executive branch of the government. He appears to have been very apprehensive that the ceremonies which took place at the inauguration of general Washington as president of the United States, the levees at his house, the birth-night balls and new-year visits, which were voluntarily given by the inhabitants of the cities of New York and Philadelphia, would, unless checked and discountenanced, prove the certain harbinger of a monarchical government. It has been seen that he calls an expression in the letter to Mazzei a misrepresentation, which, as first published in this country, made him say that the monarchical party, by which he always meant the federalists, had imposed upon us the *form* of the Brit-

ish government. This, at it stood, would of course be considered as an allusion to our constitution. In his explanation of his own meaning, and for the purpose of correcting this misrepresentation, he says, in a letter to James Madison, dated August 3, 1797, "The original has a sentiment like this, 'They are endeavoring to submit us to the substance as they have already to the *forms* of the British government;' meaning by *forms* the birth-days, levees, processions to parliament, inauguration pomposities, &c." After admitting all that Mr. Jefferson could have asked respecting the nature of these ceremonies, allowing them to be as childish and frivolous as he could have wished, still it is impossible to believe that he actually feared that, if persisted in, they would in the end change our government into a monarchy; and it is not very easy to believe that he even thought they had any real tendency to produce that result. The cause was not sufficient to produce the effect.

But however sincere Mr. Jefferson may originally have been in his apprehensions of danger to our republican system of government from this source, every symptom or pretence of fear of that danger had vanished long before the time when he prepared his "Ana" for future publication; and no reason can be given for his placing his fears among his materials for history. Indeed no other explanation can be given of the pains he took to collect and display those fears in his manuscripts, so long after those whom he charged with having treasonable designs against the government and liberties of the country had ceased to exist, and when events had shown that they were groundless, except the habit of slandering the characters of those whose talents he feared and whose influence he dreaded, and, it may be added, whose patriotic virtues he could never imitate. This habit by long continued use had be-

come inveterate; and as he had succeeded in raising the fabric of his popularity on that foundation, he probably persuaded himself that he should be able to perpetuate it in the same manner and by the use of the same means. And it may be considered as a signal dispensation of Providence that his life was protracted to such an extraordinary length that he outlived his judgment, and was left to collect together in his dotage a body of facts and sentiments which will forever destroy the reputation he had taken such unwearied and unwarrantable pains to form and establish.

CHAPTER XIII.

The federalists had no confidence in Mr. Jefferson as a politician —His election a revolution—To ascertain the nature of that revolution his messages to congress must be examined—No act alluded to in his messages to congress as having a monarchical tendency—No original national measures recommended by him but gun-boats and dry docks—Letter to Nicholson on gun-boats—Committee under Madison on gun-boats—Secretary of navy's report to that committee—Correspondence between general Washington and Nicholas, &c., respecting John Langhorne.

THE federalists had no confidence in Mr. Jefferson's principles as a politician, nor in his talents as a statesman. In a letter to judge Roane, dated September 6, 1819, (vol. 4, page 316,) speaking of his own election, Mr. Jefferson says:—

"I had read in the Enquirer, and with great approbation, the pieces signed Hampden, and have read them again with redoubled approbation in the copies you have been so kind as to send me. They contain the true principles of *the revolution of* 1800, *for that was as real a revolution in the principles of our government as that of* 1776 *was in its form;* not effected indeed by the sword as that, but by the rational and peaceable instrument of reform, the suffrage of the people." If this revolution produced any other important result than a change of men the fact can easily be shown, because there must necessarily be record evidence to prove it. Mr. Jefferson was in office eight years. It was his constitutional duty to give to congress, from time to time, "information of the state of the Union, and recommend to their consideration such

measures as he should judge necessary and expedient." To his official communications to congress, therefore, we must look for such recommendations, and to the statute book for the measures thus recommended by him, so far as they were adopted by congress and carried into effect.

It will be expedient to examine the annual messages delivered by Mr. Jefferson during the eight years in which he held the office of president, in order to ascertain the important measures which, after having achieved such a great revolution as that of 1800, he thought proper to recommend to the consideration of congress.

In the first of those messages he states, as a matter of thankfulness to *Providence*, that peace existed between us and the powers of Europe with which we had principal relations; and adds, that a spirit of peace prevailed generally among our Indian neighbors; and that there was but one exception to be made in the general state of things, which was, a denunciation of war by Tripoli, one of the Barbary powers. He, however, wished he could add that our situation was entirely satisfactory with the other Barbary powers. He laid before congress the result of the census that had recently been taken; he said there was reasonable ground of confidence that internal taxes might be dispensed with; that a reduction in expenditures might be made; that the receipts and expenditures would be laid before the houses; that the secretary of war had formed a statement of all the posts and stations where garrisons would be expedient, and the number of men that would be wanted; that the account of military stores would be laid before congress; that there might be some difference of opinion with respect to the extent to which naval preparations should be carried; that it was doubtful whether the authority given for establishing sites for naval purposes had been perfectly understood; that the fortifi-

cations in our harbors present considerations of great difficulty, some of them being on a scale suited to the advantages of their position, the efficacy of their protection and the importance of the points within it, others will cost so much in their erection and maintenance, and requires such a force to garrison them, that it was questionable what was best to be done; that agriculture, manufactures, commerce and navigation are most free when left most to individual enterprise; that the judiciary system, and especially that portion of it recently erected, would of course present itself to the consideration of congress, and whilst engaged on that subject, it would be well to inquire whether the institution of juries had been extended to all the cases involving the security of our persons and property; that he could not omit recommending a revisal of the naturalization laws, as a residence of fourteen years was a denial in a great proportion of the cases of those who asked it. "These," said he, "fellow-citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages."

This was the first message communicated to congress by Mr. Jefferson after the great revolution of which he speaks in his letter to judge Roane already quoted, which in importance he considered equal to that of 1776. But, strange to hear, not a single measure of any moment is proposed for adoption, and what is still more extraordinary, none are denounced as proper to be repealed on the ground of their being of monarchical or anti-republican character. Not a suggestion is made that indicates either talents or public spirit; in short nothing is recommended which might not have proceeded from a mind of very or-

dinary compass and character, and in the most quiet and peaceable times.

Mr. Jefferson's second annual message was delivered at the opening of the session of congress in December, 1802, and is still more barren than the first. He first mentions the war with Tripoli, and that more ships of war had been ordered to the Mediterranean for fear the other Barbary powers might join the Tripolitans; but that later intelligence had removed those apprehensions. He then states that a convention with Georgia had been ratified by their legislature, and a re-purchase of the Talassee country had been made of the Creeks. He gives an account of the proceedings with the Indians, and then states the receipts into the treasury, the payment towards the public debt; that some of the states had paid up the internal taxes, in others they had not; that by avoiding false objects of expense he expresses the opinion that, without internal taxes and without borrowing money, they were able to make large payments towards extinguishing the national debt, and that this encouraged the government to proceed as it had begun, in substituting economy for taxation. He then alludes to the treasury accounts, and states that no change is deemed necessary in the military establishment; recommends a review of the militia system, and states that estimates for the naval department will be communicated; and then recommends the formation of a dry dock, for the purpose of laying up and preserving the ships of war. He then alludes to the general duties of the government—which are, to cultivate peace and maintain commerce and navigation, foster fisheries, protect the manufactories adapted to our situation, preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy that we would practice with our own,

impose on the citizens no unnecessary burdens, keep all things within the pale of constitutional powers, and cherish the federal union as the only rock of safety.

The session of congress at which this message was delivered, completed two years of Mr. Jefferson's administration after the important revolution of 1800; and yet not a single measure, except the recommendation of a dry dock, of a general national character, which had a tendency to mark the era as in any way distinguished from the preceding administrations, was recommended; and the dry dock was ridiculed as a useless and preposterous measure, and notwithstanding his great popularity and influence with his party, and the general subserviency of both houses of congress to him, it was never carried into effect.

Mr. Jefferson's third annual message was delivered on the 17th of October, 1803, congress having met earlier than usual on that year. In that he first alludes to the difficulties which had arisen with Spain respecting the right of deposit at New Orleans; and then informs congress of the treaty with France for the purchase of Louisiana; of the purchase of the country belonging to the tribe of Kaskaskia Indians; and he states the progress of improvements in agriculture and household manufactures among other tribes; that the small vessels for the Mediterranean service had been sent to that sea; that a convention had been entered into with Great Britain for fixing the boundary line on our north-eastern and north-western angles, to the satisfaction of both parties; that the account of receipts and expenditures for the year would be laid before congress; that more than three millions of the public debt had been paid, exclusive of interest; that the purchase of Louisiana would add thirteen millions to that debt; that remittances for the foreign debt had been made without loss; that fifty thousand dollars appropriated by congress

for gun-boats remained unexpended; that he had seen with concern the flames of war lighted up again in Europe, and states the course we ought to pursue towards the belligerent nations.

This document preserves the same general character with the two former ones, exhibiting none of the views or talents of a statesman, nor the recommendation of any measure which showed the necessity, or even expediency, of the revolution of 1800.

The fourth annual message from Mr. Jefferson was delivered at the opening of the session of congress on the 8th of November, 1804. It first mentions with satisfaction that the war in Europe had not extended to other nations, and that we had been disturbed less on the ocean than on former occasions; and then states that complaints had been received, that persons residing within the United States had undertaken to arm merchant vessels and force a commerce into certain ports and countries in defiance of the laws of those countries, and that he did not doubt congress would adopt measures to restrain such conduct in future; that the law authorizing the establishment of a district and port of entry at Mobile had been misunderstood by Spain, but that explanations had been given which it was expected would be satisfactory; that Spain had withdrawn their objections to the validity of our title to Louisiana, the limits remaining for settlement; that with the nations of Europe in general we were on terms of friendship, and that we had received assurances from the belligerents of the friendly feelings which are due to an honest neutrality; that the energy of our proceedings in the Mediterranean he trusted would reduce the barbarians of Tripoli to a desire for peace; that the bey of Tunis having made requisitions unauthorized by treaty, their rejection had produced from him some expressions of dis-

content; that peace continued with the other powers on that coast; that the officers of the temporary government of the territory of Orleans had been appointed; that the district of Louisiana had been divided into subordinate districts, and a commanding officer appointed in each; that conferences had been opened with the Indian tribes in our newly acquired limits for the purpose of establishing a good understanding and neighborly relations with them; that an important relinquishment of native title had been received from the Delawares on this side the Mississippi; that the act of congress of February, 1803, for building a number of gun-boats was in a course of execution, and he states a variety of considerations which will have due weight with congress in adding to their number from year to year, as experience shall test their utility; that no circumstance had occurred since the previous session which called for an increase of the military force; that the account of receipts and expenditures would be laid before the houses; that the state of the finances fulfilled his expectations, and had enabled them to pay three millions six hundred thousand dollars of the national debt; that the revenue of the past year exceeded that of the preceding; and that the probable receipts of the ensuing year would be sufficient to meet the demands upon the treasury, to pay more than three millions under the British and French conventions, and to advance in redeeming the funded debt.

Mr. Jefferson's fifth message was delivered on the third of December, 1805—the first session of congress after his re-election. He begins with noticing the yellow fever which had prevailed in two of our cities; and then states that the aspect of our foreign relations had considerably changed, our coasts had been infested by private armed vessels, some without commissions and some with illegal commissions, with an account of the mischief they had

done, and that he had found it necessary to equip a force to cruise within our own seas; that public armed ships had also been hovering on our coasts under color of seeking enemies, to the great annoyance of our commerce; that with Spain our negotiations for a settlement of differences had not had a satisfactory issue; that in consequence of the seizure of our citizens and the plunder of their property, he had ordered our troops on that frontier to be in readiness to protect them, and to repel by arms any similar aggressions in future; that in reviewing these injuries, the moderation, firmness and wisdom of the legislature will be all called into action, but should any nation deceive itself by false calculations, we must join in the unprofitable contest of trying which party can do the other the most harm; that the first object would be to place our sea-port towns out of the danger of insult, for which purpose measures had been taken for furnishing them with heavy cannon, and to aid them it was desirable that we should have a competent number of gun-boats; that considerable provision had been made in materials for building seventy-four gun ships; that an immediate prohibition of the exportation of arms and ammunition would be submitted to congress; that our fellow-citizens who were stranded on the coast of Tripoli had been liberated; that although there were still some misunderstandings with Tunis, that friendly discussions with their ambassador, just arrived, could not fail of dissipating them. He then alludes to the law providing the naval peace establishment, fixing the number of frigates and complement of men, and suggests his views on the subject; states that our Indian neighbors are advancing in the pursuits of agriculture and household manufacture, and that purchases of land had been made of various tribes in Ohio and elsewhere, and that the treaties would be laid before congress; that deputations of Indians

from Missouri, and other places beyond the Mississippi, had come to the seat of government; that the receipts of the treasury for the year were more than thirteen millions of dollars; that congress had, in November, 1803, authorized a loan of one million seven hundred and fifty thousand dollars, which had not been taken up.

Mr. Jefferson's sixth annual message was delivered on the second of December, 1806. It commences with a review of foreign relations, which were in an unsettled condition, and particularly the state of things on the south-western border, between Louisiana and the Mexican territories. It then states that, in another part of the United States, private individuals were arming and organizing themselves, contrary to law, to carry on a military expedition against the territories of Spain, that he had taken measures, by proclamation and by special orders, to suppress the enterprise and to arrest and bring to justice its authors and abettors, and that the necessity of enlarging the regular force will be a subject for the early consideration of congress; that the possession of both banks of the Mississippi rendered it necessary to provide a more adequate security for that point; that the gun-boats authorized at the last session will be ready for service in the spring, and a much larger number will be wanted; that a further appropriation will be necessary for repairing existing fortifications and erecting other works to obstruct an enemy in approaching our sea-ports; that though the laws have provided punishments for the crimes of insurrection and enterprise on the public peace, it is suggested that it might be salutary to give the means of preventing them, and it might be useful to give the power to prevent those against the United States, as well as against a foreign nation, and that "the process of binding to the observance of the peace and good behavior, could it be extended to acts

done out of the jurisdiction of the United States, would be effectual in some cases, where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law;" that the states of Barbary seem generally disposed to respect our peace and friendship; that proofs are received of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under our patronage; that the expedition of Messrs. Lewis and Clark, for exploring the river Missouri, had been attended with all the success that could have been expected; that the attempt to explore the Red river had not been equally successful; that useful additions had been made to our knowledge of the Mississippi by lieutenant Pike, who had ascended to its source. It recommends measures for suppressing the slave trade as soon as the constitutional period arrives, and gives the amount of receipts at the treasury; states that the duties composing the Mediterranean fund would cease at the end of the year, and recommends their continuance for a short time; that before long there will be a surplus revenue, and suggests the appropriation of it to public improvements as an expedient mode of disposing of it; and closes with a suggestion of a national establishment for education.

Mr. Jefferson's seventh annual message was delivered on the 27th of October, 1807. It commences with remarks on the difference between the United States and Great Britain, and the pains that had been taken on our part to have them adjusted, and then adverts to the attack on the frigate Chesapeake, and the orders that had been despatched to our minister in London to demand redress. It then states, that an order had been issued by the British government, interdicting all trade by neutrals between ports not in amity with them; that our differences with Spain re-

mained unsettled; that with the other European nations our harmony was undisturbed; that peace with the Barbary states appeared as firm as at any former period; that among our Indian neighbors in the north-western quarter, some fermentation was observed, threatening the continuance of peace; that the great tribes on our south-western quarter appeared tranquil; it states the manner in which the appropriations for fortifications had been applied, and to what places the gun-boats had been assigned, and suggests the idea that the seamen of the United States may be formed into a special militia; that the moment our peace was threatened, he deemed it indispensable to secure a greater provision of those military stores with which our magazines were not sufficiently furnished; that whether a regular army was to be raised, must depend on information expected to be received; and in the mean time, he had called upon the states for quotas of militia to be in readiness; that the enterprises against the public peace which were believed to be in preparation by Aaron Burr and his associates, had been happily defeated; that he shall lay before congress the proceedings and the evidence exhibited against the principal offenders at the district court of Virginia, that they might judge whether the defect was in the testimony, in the law or in the administration of the law; that a statement of the receipts and expenditures would be thereafter transmitted; and makes some remarks upon the disposition of the surplus revenue.

Mr. Jefferson's eighth annual message was delivered November 8, 1808. It commences with a statement of the situation of our affairs in relation to the belligerent powers of Europe, and says, that the documents on the subject of foreign edicts will be laid before congress. It then states, that the affair of the Chesapeake had not been adjusted; that things with the other powers of Europe

and with the Barbary states, with the exception of Algiers, remained as they were; that with the Indians we were at peace. It then alludes to the manner of laying out the appropriations for fortifications; that only one hundred and three gun-boats had been built during the year; that under the act of the preceding session for raising an additional military force, the officers had been appointed for the purposes of the recruiting service; that it had not been thought necessary to call for detachments or volunteers under the laws for that purpose; that it was incumbent on congress, at every session, to revise the condition of the militia; that arms were manufacturing upon a larger scale than before; that the suspension of our foreign commerce had impelled us to apply a portion of our industry and capital to internal manufactures and improvements, and there was little doubt the establishments formed for that purpose would become permanent; that the accounts of receipts and expenditures were not made up, but would be sent in thereafter; and then it closes with his taking final leave of the government.

The foregoing abstracts exhibit a summary view of Mr. Jefferson's annual communications to congress, during the whole period of his administration. The constitution required of him, from time to time, to give to congress information of the state of the Union, and to "*recommend to their consideration such measures as he should think necessary and expedient.*" It is therefore to be taken for granted, that he gave all the information, and recommended all the measures for their adoption, which he supposed the exigencies of the country required. Here, then, must we look for the evidence of his talents as a statesman, as well as for his knowledge of the provisions and principles of the constitution. It may therefore with propriety be asked, what is the amount of proof which his official communications contain of either the one or the other?

Mr. Jefferson, as has been shown, was constantly in the practice of calling those who formed the constitution, and controlled the affairs of the nation for the first twelve years under it, monarchists. He accused them of wishing ultimately to transform our system of republicanism into the model of the English government—he called his own election a revolution, as real in the principles of the government, as that of 1776 was in its form—and he denominates the controversy he was carrying on against the federalists, *a war ad internecionem.* It would be a very extraordinary thing, if all this was intended merely for electioneering, and designed only for the promotion of his personal popularity. To ascertain the truth on this subject, resort must be had to his official life, and an examination must be made into his official acts and conduct. If his predecessors in office, and those by whom they were assisted in managing the public concerns, had been engaged for twelve years in attempting to change the character of our government from republicanism to monarchy, with the design ultimately of transforming it into a system like that of Great Britain, that is, into a hereditary monarchy, it is not to be believed that there would not something have remained, when their oversight of the public affars was ended, some act or measure which would at least give plausibility to such a charge. But evidence of this description is sought for in vain throughout the whole extent of Mr. Jefferson's annual communications to congress. No act under the preceding administrations is mentioned or alluded to as having had even a monarchical tendency, nor is any recommendation contained in any of them intended for the purpose of counteracting their ultimate object. The repeal of no measure, adopted during the twelve first years of the government, is recommended, or suggested, on this specific charge of its being of a mo-

narchical, or even of an anti-republican character. On the contrary, the great measures adopted under the federal administrations, and particularly under that of general Washington, were continued and relied upon for the promotion of the "general welfare," during Mr. Jefferson's administration, as they had been while his predecessors were in office. And what is worthy of particular notice, not a single great measure of general national policy was adopted under his administration, nor was any such measure even recommended by him; and when he left the government, at the close of the eight years of his administration, it is believed that not a single act of the kind here alluded to, originating with him, was to be found in the national statute book. He did indeed recommend the system of naval defence of our sea-ports and harbors by gun-boats, and the scheme of preserving our ships of war from decay by laying them up in dry docks. The first was adopted amidst the sneers and ridicule of the community, and was kept up until there was some symptom of danger, when they speedily passed out of use as entirely worthless for the purpose for which they were built, and almost as speedily out of mind; and for many years, nobody mentions, or even thinks of them, as having had an existence. The dry dock project was still more unfortunate. "It fell dead from the press;" the country believing that ships were made to float and not to be hauled up and sheltered; and, of course, this second favorite project was never carried into effect.

That Mr. Jefferson was a firm, and it may be said, an enthusiastic believer in the efficacy of the plan of gun-boat defence, may be proved by the following letter to Mr. Nicholson, a member of congress. It is dated January 29, 1805, and is to be found in the 4th volume of his works, page 28.

"Mr. Eppes has this moment put into my hands your letter of yesterday, asking information on the subject of the gun-boats proposed to be built. I lose no time in communicating to you fully my whole views respecting them, premising a few words on the system of fortifications. Considering the harbors which, from their situation and importance, are entitled to defence, and the estimates we have seen of the fortifications planned for some of them, this system cannot be completed on a moderate scale for less than fifty millions of dollars, nor manned in time of war with less than fifty thousand men, and in peace two thousand. And when done, they avail little; because all military men agree, that wherever a vessel may pass a fort without tacking under her guns, which is the case at all our sea-port towns, she may be annoyed more or less, according to the advantages of the position, but can never be prevented. Our own experience during the war proved this on different occasions. Our predecessors have, nevertheless, proposed to go into this system, and had commenced it. But no law requiring us to proceed, we have suspended it.

"If we cannot hinder vessels from entering our harbors, we should turn our attention to the putting it out of their power to lie, or come to, before a town to injure it. Two means of doing this may be adopted in aid of each other. 1. Heavy cannon on traveling carriages, which may be moved to any point on the bank or beach most convenient for dislodging the vessel. A sufficient number of these should be lent to each sea-port town, and their militia trained to them. The executive is authorized to do this; it has been done in a smaller degree, and will now be done more competently.

"2. Having cannon on floating batteries or boats, which may be so stationed as to prevent a vessel entering the

harbor, or force her after entering to depart. There are about fifteen harbors in the United States which ought to be in a state of substantial defence. The whole of these would require, according to the best opinions, two hundred and forty gun-boats. Their cost was estimated by captain Rogers at two thousand dollars each. But we had better say four thousand dollars. The whole would cost one million of dollars. But we should allow ourselves ten years to complete it, unless circumstances should force it sooner. There are three situations in which the gun-boats may be. 1. Hauled up under a shed, in readiness to be launched and manned by the seamen and militia of the town on short notice. In this situation she costs nothing but an enclosure, or a sentinel to see that no mischief is done to her. 2. Afloat, and with men enough to navigate her in harbor and take care of her, but depending on receiving her crew from the town on short warning. In this situation, her annual expense is about two thousand dollars, as by an official estimate at the end of this letter. 3. Fully manned for action. Her annual expense in this situation is about eight thousand dollars, as per estimate subjoined. When there is general peace, we should probably keep about six or seven afloat in the second situation; their annual expense twelve to fourteen thousand dollars; the rest all hauled up. When France and England are at war, we should keep at the utmost twenty-five in the second situation, their annual expense fifty thousand dollars. When we should be at war ourselves, some of them would probably be kept in the third situation, at an annual expense of eight thousand dollars; but how many, must depend on the circumstances of the war. We now possess ten, built and building. It is the opinion of those consulted, that fifteen more would enable us to put every harbor under our view in a respectable condition; and that

this should limit the views of the present year. This would require an appropriation of sixty thousand dollars, and I suppose that the best way of limiting it, without declaring the number, as perhaps that sum would build more. I should think it best not to give a detailed report, which *exposes our policy too much.* A bill, with verbal explanations, will suffice for the information of the house."

Who can believe, or be persuaded to indulge the idea for a moment, that a man whose mind was occupied and influenced by such visionary and childish whims as these, possessed the knowledge or had the enlarged views of an able and enlightened statesman? Instead of which, he is found constantly brooding over idle and useless projects, and under the pretence of economy, consulting his own popularity and furthering his own schemes of personal aggrandizement.

Nothing could have been more characteristic of this "great statesman," than the caution at the close of this letter against a *detailed report*, as that might *expose our policy* too much. A bill, with verbal explanations, would *be sufficient for the information of the house.* The house were the body from which the committee, to whose chairman this letter was addressed, proceeded. On the report of that committee, the house of course must rely for information, and would be called to act. Mr. Jefferson's great plan of political operations was to appeal, on all occasions, to the sound common sense, the stern republican integrity, and the pure spirit of patriotism in the people. One would naturally suppose, that he would have at least as much confidence in the representatives of the people, especially as the majority of them were in his favor, as he had in the people themselves. But in this case he was unwilling to have a detailed report on the merits of his gun-boat project placed before the representatives, lest it should expose his

policy *too much*. A verbal report, which but few would comprehend, and none would be able to carry away, or scan with too much strictness and severity, would be sufficient for the house. The truth undoubtedly was, that the plan was a subject of ridicule even among his friends and partizans, and of contempt among his opponents; and he wished to avoid, as far as possible, not merely the exposure of his policy to the house and to the world, but to escape the sneers and strictures of those who viewed the system as ridiculous in the extreme.

The letter from which the foregoing extract was made, was dated, it will be observed, in January, 1805. In May, 1809, a committee was appointed by the senate, to inquire whether it was expedient, *at that time*, to make any modifications of the laws relating to the army and navy of the United States. That committee directed their chairman to put, among others, the following questions to the secretary of the navy—

"How many gun-boats have been built under the existing laws?

"What has been the average or aggregate cost of building them?

"What will be the probable state of those gun-boats at the end of one year, which may be laid up unemployed?

"What will be the probable state of those at the end of one year, which may be kept in service, on the coasts or in the harbors?"

To these inquiries the secretary replied on the 9th of June—

"There have been built under the existing laws, one hundred and seventy-six gun-boats and bombs; and the average cost of building them may be calculated at $9,000.

"As to the probable state of those boats at the end of one year, which may be laid up, or unemployed, I will observe

that with all the care that can be taken of them, they will unavoidably decay in a greater or less degree; those built of green, will of course decay much sooner than those built of seasoned timber. To keep a gun-boat in a state of preparation for service, we shall very frequently be subjected to the expense of repairing her; an expense to an amount which cannot be foreseen. The sails and standing and running rigging, at present belonging to those laid up, will, probably, at the end of one year, be so much injured as to be unfit for use; their small boats and water-casks, unless well protected from the rain and sun, will sustain considerable injury in the course of the same time; and they cannot be so protected without expense. If a gun-boat is suffered to lie in port for one year, without giving her any kind of repair, she will probably be found at the expiration of that year wholly unworthy of being repaired.

"With respect to those kept in service, they also will decay, if not occasionally repaired; though it is observed by professional men, that vessels in service, especially in salt water, are less subject to decay than they are lying in port, and universal experience does, I believe, sanction the same idea."

Mr. Jefferson's administration closed on the 3d of March, 1809. It is very apparent that up to that time he had lost none of his attachment to, or confidence in, the gun-boat system. In his last annual message to congress, which was in December, 1808, he says, "Of the gun-boats authorized by the act of December last, it has been thought necessary to build *only* one hundred and three in the present year. These with those before possessed, are sufficient for the harbors and waters most exposed, and the residue will require little time for their construction when it shall be deemed necessary." At the end of three months from the time he left the office of president, and under the

new administration, at the head of which was his most intimate, most confidential, and most devoted friend, Mr. Madison, the scheme appears to have been abandoned, as little better than worthless; and from that time forward it sunk into contempt.

Mr. Jefferson was very fond of indulging in visionary and whimsical speculations, not merely in mechanical and agricultural affairs, but in the science of politics and the concerns of government. His gun-boat project, one of the most useless and absurd of all his vagaries, was a favorite scheme with him; and he led the government into a heavy expense to construct these vessels, which proved to be, what every man of practical good sense knew they must be, of no use whatever. Who, at the present time, can entertain a doubt, that he was grossly deficient in the practical qualifications of a great statesman?

Mr. Jefferson, in his letter to Martin Van Buren, which has been already noticed in this work, when alluding to the coolness produced between him and general Washington by the appearance of the letter to Mazzei, says, "My last parting with general Washington was at the inauguration of Mr. Adams, in March, 1797, and was warmly affectionate; and I never had any reason to believe any change on his part, as there certainly was none on mine." The following facts may serve to shew what credit is due to this last assertion.

In volume 11 of "*the Writings of George Washington,*" published in 1836, by Jared Sparks, at page 501, there is an article headed thus,—"Anonymous letter to George Washington, signed with the fictitious name of *John Langhorne.*" A note annexed to it is in the following words:—"As this letter is signed with a fictitious name, it is of no other importance than to show what insidious means were adopted *by the enemies of Washing-*

ton to lead him into a snare for party purposes. The person who sent for his answer to the post office was known; but whether he was the writer of this letter, or only acted as an agent in this business, was not ascertained." Langhorne's letter was dated "Warren, Albermarle county, Sept. 25, 1797." The letter to Mazzei was first published in this country in the spring of 1797—a few months before the date of Langhorne's letter. General Washington's answer to the latter is dated Oct. 15, 1797. Although he was altogether unsuspicious that the Langhorne letter was fictitious, and intended to draw him into a correspondence from which his enemies might obtain something which they could use to injure his reputation and destroy his popularity, he replied to it with that extreme caution which so strongly marked his character in every situation in life, and the plot entirely failed. The following is a letter from him to John Nicholas.

"MOUNT VERNON, NOVEMBER 30, 1797.

"I know not how to thank you sufficiently, for the kind intention of your obliging favor of the 18th instant. If the object of Mr. Langhorne, who to me in personal character is an entire stranger, was such as you suspect, it will appear from my answer to his letter that he fell far short of his mark. But as the writer of it seems to be better known to you, and that you may be the better enabled to form a more correct opinion of the design, I take the liberty of transmitting a copy of it along with the answer. If they should be a means of detecting any nefarious plan of those who are assailing the government in every shape that can be devised, I shall feel happy in having had it in my power to furnish them. If the case be otherwise, the papers may be committed to the flames, and the transaction buried in oblivion. To confess the truth, I considered Mr. Langhorne in my "mind's eye" a pedant, who

was desirous of displaying the flowers of his pen. In either case, I would thank you for the result of the investigation."

On the 8th of March, 1798, General Washington wrote a letter to Mr. Nicholas, of which the following is an extract—

"The letter which you did me the favor of writing to me under date of the 22d ult., came safe to hand. Nothing short of the evidence you have adduced, corroborative of intimations which I had received long before through another channel, could have shaken my belief in the sincerity of a friendship which I had conceived was possessed for me by the person to whom you allude. But attempts to injure those who are supposed to stand well in the estimation of the people, and are stumbling-blocks in the way, by misrepresenting their political tenets, thereby to destroy all confidence in them, are among the means by which the government is to be assailed, and the constitution destroyed. The conduct of this party is systematized; and everything that is opposed to its execution will be sacrificed without hesitation or remorse, if the end can be answered by it.

"If the person whom you *suspect* was really the author of the letter under the signature of *John Langhorne*, it is not at all surprising to me that the correspondence should have ended where it did; for the penetration of *that man* would have perceived by the first glance at the answer that nothing was to be drawn from that mode of attack. In what form the next insidious attempts may appear remains to be discovered. But as the attempts to explain away the constitution and weaken the government are now become so open, and the desire of placing the affairs of this country under the influence and control of a foreign nation is so apparent and strong, it is hardly to be ex-

pected that a resort to covert means to effect these objects will be longer regarded."

The person alluded to as the object of Mr. Nicholas's suspicion in the foregoing letter, is said in a note to have been *Mr. Jefferson.*

The following is an extract from a letter from general Washington to Bushrod Washington, dated August 12, 1798—

"I have received your letter of the 7th inst., giving an extract of Mr. Nicholas's letter to you. With respect to the request contained in it, I leave the matter entirely to his own discretion, with your advice to advance or halt, according to the tenableness of his ground and circumstances.

"If he could prove indubitably that the letter addressed to me with the signature of *John Langhorne* was a forgery, no doubt would remain in the mind of any one that it was written with a view to effect some nefarious purpose. And if the person he suspects is the *real* author or abettor, *it would be a pity not to expose him to public execration for attempting, in so dishonorable a way, to obtain a disclosure of sentiments of which some advantage could be taken.*" (Washington's Writings, vol. 2, page 289.)

It is much to be regretted that Mr. Sparks did not publish Mr. Nicholas's letter to general Washington on this subject, as it undoubtedly contained the reasons why he *suspected* the Langhorne letter was written by Mr. Jefferson himself, or by some other person with his knowledge or connivance and for his own purposes. It is stated that the person who called at the post-office for general Washington's answer was known; but it is said not to have been ascertained whether he acted as principal or agent. The letter from Langhorne bears date at Warren, Albemarle county, which was the county in which Mr. Jeffer-

son resided. General Washington's feelings must have been highly excited, knowing as he did that Mr. Nicholas believed Mr. Jefferson to have been the author of that letter, when he said, "If the person he suspects is the real author or abettor, it would be a pity not to *expose him to public execration for attempting, in so dishonorable a way, to obtain a disclosure of sentiments of which some advantage might be taken.*"

Enough, however, is disclosed in these letters to show that the cordiality of friendship, which for a long time general Washington entertained for Mr. Jefferson, did not hold out to the end of his life; and to satisfy any reasonable mind that Mr. Jefferson was the secret and deadly enemy of General Washington, and made use of all the means within his power to undermine his popularity and destroy his reputation. Mr. Jefferson himself acknowledges, in a passage already quoted from his Ana, that general Washington's feelings had become alienated from him *personally*, as well as from the republicans generally.

CHAPTER XIV.

Mr. Jefferson's feelings on his return from France in 1789—Found here a preference for kingly government prevalent—Mr. Jefferson an ambitious man—Called himself a republican and his opponents monarchists—Monarchy talked of at dinner parties—Attacks upon Hamilton—Asserts that Hamilton introduced a draft of a constitution to the convention for a monarchy—Letter from Hamilton to T. Pickering on his proposition for a constitution—No monarchical feature in it—The charge of monarchical principles in the federalists traced by Jefferson to the conventions of 1786 and 1787—Judge Marshall's notice of the convention of 1787—Names of some of the principal members of that body—Mr. Jefferson's artful manner of establishing his claim to a republican character—Letter to R. M. Johnson—Conversation with general Washington—Character of the early federalists—Great courage necessary to attempt the destruction of general Washington's character.

HAVING, as has been seen, devised his general plan for the formation of his party, almost immediately after his return to the United States in 1789, and upon entering upon the duties of the office of secretary of state, Mr. Jefferson, by his own account, began to carry it into execution in good earnest. "I returned," says he, "from that mission in the first year of the new government, having landed in Virginia in December, 1789, and proceeded to New York in March, 1790, to enter on the office of secretary of state. Here certainly I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of her revolution, in the fervor of natural rights and zeal for reformation. My conscientious devotion to these rights could not be height-

ened, but it had been aroused and excited by daily exercise. The president received me cordially, and my colleagues and the circle of principal citizens apparently with welcome. The courtesies of dinner-parties given me, as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversation filled me. Politics were the chief topic, and a preference of kingly over republican government was evidently the favorite sentiment. An apostate I could not be, nor yet a hypocrite; and I found myself, for the most part, the only advocate on the republican side of the question, unless among the guests there chanced to be some member of that party from the legislative houses. Hamilton's financial system had then passed. It had two objects; 1. As a puzzle to exclude popular understanding and inquiry; 2. *As a machine for the corruption of the legislature;* for he avowed the opinion that man could be governed by one of two motives only—force or interest; force, he observed, in this country was out of the question, and the interests, therefore, of the members must be laid hold of to keep the legislature in unison with the executive."

Notwithstanding a constant affectation of humility, a disposition to avoid office, and the frequent declaration of a wish to retire to private life, probably there was not a more ambitious man within the compass of the Union. His objections to the constitution at a very early period had so far vanished that he manifested no serious objection to being placed, or to use his own expression in his letter to the New Haven merchants, to place himself at the head of the government. Even his apprehensions of danger from the re-eligibility of the president, and his ardent attachment to his lucerne, his potatoes, and his grandchildren, did not deter him from suffering himself to be

elected the second time. To prosecute his ambitious purposes with the greater prospect of success, he set himself up as the head of a party; not willing to becalled an antifederalist, he dubbed himself a *republican*, branded his opponents as monarchists, and commenced his career in electioneering and intrigue almost immediately upon landing in the country from his mission to France. His outset on that career is described in the passage above quoted from his "*Ana.*" His success will appear in the future account of his rise to the highest station under the constitution, and in the course and character of his administration of the government.

By Mr. Jefferson's statement, in the quotation just made, such progess had the monarchical spirit made among the people of this country, and especially at the seat of government, that immediately after the organization of the new government, and at dinner parties to which he was invited in the city of New York, politics were the chief topic of conversation at table, in which a preference of kingly over republican government was evidently the favorite sentiment; and as he could not be either an apostate *or a hypocrite*, he found himself, for the most part, the only advocate on the republican side of the question, unless there happened to be among the guests a member of that party from the legislative houses—meaning the two houses of congress. This representation is certainly intended to convey the idea, that a great proportion of that class of the inhabitants of that city, who attended dinner-parties which were given to him, (he being an open, avowed republican according to his own account,) were in favor of changing the government of this country, even before an experiment had been made of the new republican system, into a monarchy; and this sentiment, so odious to the people of the United States, according to this account, was

the subject of common, familiar, undisguised conversation, in mixed companies, and on convivial occasions! Is there any man, even of ordinary understanding, who is credulous enough to believe this? It will constantly be borne in mind, that this account was made up, and prepared for posterity, in the year 1818, at the very time Mr. Jefferson was providing materials for the use of future generations, when they should look back to the early history of their country and its government, for the purpose of forming an estimate of the characters of the men who had made a conspicuous figure in its early annals.

No part of this personal record is more remarkable, than the attempt to stigmatize the reputation of Alexander Hamilton—the man of all others who he appears to have considered as standing the most directly in his way, and therefore the more necessary to be removed.

Accordingly, Mr. Jefferson took frequent opportunities to attack his principles, as being not only opposed to republicanism, but as being monarchical in an ultra degree—that is, contending that a monarchy founded upon the principle of corruption was the best and most practicable system of government. In a passage already quoted from the "*Ana*" Mr. Jefferson asserts, that Hamilton's financial system had two objects in view—1. It was intended to be "a puzzle to exclude popular understanding and inquiry; 2. To be *a machine for corrupting the legislature.* And," he adds, "with grief and shame it must be acknowledged that his machine was not without effect; that even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal, rather than public good." A more unfounded, and of course a more malicious slander was probably never uttered. Designating nobody, the charge is made in such general terms, that it may with equal pro-

priety be applied, as the imagination of different individuals may lead them, to all the members of congress who were in favor of the adoption of general Hamilton's financial plan—or in other words, to the federal members of both houses of congress. Pursuing his system of slander, he in the first place attempts to establish the charge of monarchical principles against general Hamilton, and then transfers it to the principal federalists through the country.

But Mr. Jefferson not only accused general Hamilton of being a monarchist in principle, but he asserts that he actually introduced to the convention of 1787, the draft of a constitution for the establishment of a monarchical government over the United States. This charge was often made against that gentleman when he belonged to general Washington's cabinet, and was circulated, with great zeal, assiduity and confidence, throughout the country, for the purpose of rendering him unpopular, for the purpose of destroying his influence. The imputation of entertaining monarchical principles, and of secretly or openly plotting to overthrow the republican system, and to substitute a monarchy in its place, was the basis of Mr. Jefferson's electioneering against the federalists, and of his intrigues to place himself at the head of the government. In this he acted with his usual address, and with the success which customarily attended his exertions to depress his opponents, and to elevate himself. It is, however, a remarkable fact in the history of this country, and one not very creditable to the political integrity and virtue of the people of this republic, that a man who had as much, and perhaps more agency in forming the constitution, and procuring its adoption than any individual in the Union, should be deprived of the popularity and influence which his distinguished talents, his great services, and his unwearied efforts to promote the welfare and prosperity of the coun-

try, justly entitled him to, and this by a man who had no agency in the formation or adoption of the constitution, but who, on a variety of grounds, was decidedly opposed to it.

That the charge was without foundation, will appear by the following document, furnished by general Hamilton to his friend Timothy Pickering; and by the latter, published to the world as a refutation of Mr. Jefferson's oft repeated charge against the writer of the letter.

Letter from Alexander Hamilton to Timothy Pickering.

"NEW YORK, SEPTEMBER 16, 1803.

"*My dear sir*—I will make no apology for my delay in answering your inquiry some time since made, because I could offer none which would satisfy myself. I pray you only to believe that it proceeded from anything rather than want of respect or regard. I shall now comply with your request.

"The highest toned propositions which I made in the convention, were for a president, senate and judges during good behavior—a house of representatives for three years. Though I would have enlarged the legislative power of the general government, yet I never contemplated the abolition of the state governments; but, on the contrary, they were, in some particulars, constituent parts of my plan.

"This plan was in my conception conformable with the strict theory of a government purely republican; the essential criteria of which are, that the principal organs of the executive and legislative departments be elected by the people, and hold their offices by a *responsible* and temporary *defeasible* tenure.

"A vote was taken on the proposition respecting the executive. Five states were in favor of it; among these Virginia; and though from the manner of voting, by dele-

gations, individuals were not distinguished, it was morally certain, from the known situation of the Virginia members, (six in number, two of them, Mason and Randolph, professing popular doctrines,) that Madison must have concurred in the vote of Virginia. Thus, if I sinned against republicanism, Mr. Madison was not less guilty.

" may truly then say, that I never proposed either a president or senate for life; and that I neither recommended nor meditated the annihilation of the state governments.

" And I may add, that in the course of the discussions in the convention, neither the propositions thrown out for debate, nor even those voted in the earlier stages of deliberation, were considered as evidences of a definitive opinion in the proposer or voter. It appeared to me to be in some sort understood, that with a view to free investigation, experimental propositions might be made, which were to be received merely as suggestions for consideration.

" Accordingly it is a fact, that my final opinion was against an executive during good behavior, on account of the increased danger to the public tranquillity incident to the election of a magistrate of this degree of permanency. In the plan of the constitution which I drew up while the convention was sitting, and which I communicated to Mr. Madison about the close of it, perhaps a day or two after, the office of president has no greater duration than for three years.

" This plan was predicated upon these bases. 1. That the political principles of the people of this country would endure nothing but republican governments. 2. That in the actual situation of the country, it was in itself right and proper that the republican theory should have a fair and full trial. 3. That to such a trial it was essential that the government should be so constructed as to give it all

the energy and stability reconcilable with the principles of that theory.

"These were the genuine sentiments of my heart, and upon them I acted.

"I sincerely hope that it may not hereafter be discovered, that through want of sufficient attention to the last idea, the experiment of republican government, even in this country, has not been as complete, as satisfactory, and as decisive as could be wished.

Very truly, dear sir, your friend and servant,

A. HAMILTON.

TIMOTHY PICKERING, ESQ."

This letter, containing the explanation of general Hamilton's views on the general subject, is marked by the open, manly frankness which formed a striking trait it his character. No man ever lived whose mind was more perfectly free from dissimulation and artifice, no man ever despised cunning and hypocrisy more thoroughly and absolutely than general Hamilton. There is but little danger of mistake in saying, that he never kept a secret record of private conversations, and still less in expressing the opinion, that he never sat down deliberately to collect materials, and reduce them to writing, in the shape of "*Ana*," for the purpose of elevating his own character, or slandering the reputations of others. Nothing could have been more natural, and certainly nothing could have been more proper or useful, than for any member of the convention to throw out topics for examination and discussion, for in no other way could it have been expected that the sentiments of so large a body of men, and containing such a variety of characters, could ever have been ascertained, and eventually united in a general system of government—one that would meet the approbation of the whole. There would have been noth-

ing more than this in the suggestion of general Hamilton, even if it had gone the length which Mr. Jefferson states it to have done. But it fell far short of that length. There was no monarchical feature in his suggestion. It related merely to the tenure of the offices of president, senators, and judges—it was thrown out for discussion; and upon discussion, he became convinced that it would not answer, and accordingly relinquished it. To the provisions on these subjects which were finally adopted by the convention he gave his assent and signed the constitution; and when it was submitted to the convention of his state, it was probably more owing to his exertions than to those of any other person, that it was approved and adopted. Had the efforts of George Clinton, John Lansing, Jr., Melancthon Smith, and other zealous friends and partizans of Mr. Jefferson, succeeded in preventing its adoption by that powerful state, it is very doubtful whether the present national government would have ever been established. And yet, under the influence of Mr. Jefferson's opinions and example, he, and those of his partizans whose names have just been mentioned, who in the state of New York, exerted themselves to the utmost to prevent the adoption of the constitution, were hailed as republicans, and Alexander Hamilton was stigmatized and reviled as a monarchist and an enemy to republican freedom.

This is believed to be a just and correct account of the origin and object of the charge of monarchical principles against the federalists. By Mr. Jefferson, it is traced back to the two conventions of 1786 and 1787. How far it was applicable to the former has been examined. There is every reason to believe it was equally unfounded when alleged against the latter. In the first place, the delegates to the convention of 1787, were appointed by the legislatures of the several states. They were men of the highest

consideration in these states, well known for their attachment to their country, and highly esteemed in their several communities for integrity, public spirit, and talents. Among them were men who had fought the battles of their country through the war of independence, and others whose wisdom, firmness, patriotism and virtue, had directed and animated the councils of the nation during that most interesting and trying period. In short, neither this country, nor any other, ever saw a more able, public spirited, enlightened and dignified assembly. It requires stronger evidence than Mr. Jefferson's hearsay testimony, or even his own declaration, to make the world believe that there was a monarchical spirit, or even a single monarchist, in that august body. No other evidence of the fact has thus far appeared; and after the lapse of half a century, there is very little probability that it ever will appear. In his Life of Washington, when noticing this subject, chief justice Marshall remarks—

"On the great principles which should constitute the basis of their system, not much contrariety of opinion is understood to have prevailed. But on the various and intricate modifications of those principles, an equal degree of harmony was not to be expected. More than once, there was reason to fear that the rich harvest of national felicity, which had been anticipated from the ample stock of worth collected in the convention, would all be blasted by the rising of that body without effecting the object for which it was formed. At length the high importance which was attached to union triumphed over local interests; and on the 17th of September, that constitution which has been alike the theme of panegyric and invective, was presented to the American world."

Either the account which judge Marshall here gives of the state of opinion in the convention "on the great princi-

ples which should constitute the basis of their system," is not correct, or Mr. Jefferson's charge against those members of it who formed what he called the same party who were in favor of monarchy in the convention at Annapolis, is entirely unfounded. He has not troubled himself so far as to give the names of those of whom this party was composed in either convention. If, however, they existed in the convention of 1787, the world will not readily believe that they will be found among such men as George Washington, John Langdon, Rufus King, Roger Sherman, William Livingston, William Patterson, Benjamin Franklin, John Dickinson, James Madison, Jun., John Rutledge, and Charles Cotesworth Pinckney. These persons, with twenty-seven others, signed the constitution, and of course the whole thirty-eight must have been present during the session, witnessed the propositions made, the projects offered, and heard the discussions that occurred. And yet not one of them, as far as is known, has ever asserted the existence of a monarchical party in the convention, or of any effort to introduce or recommend any other than a republican system. Nor can any reasonable person believe that such a party, or such a plot, could have existed there, without its coming to the knowledge of some, at least, if not all the members of the convention; by some of whom the evidence of the fact would have been published to the country, without leaving a matter of so much importance to be brought out, after the lapse of thirty years, through such a questionable channel of communication as Mr. Jefferson's "*Ana.*"

It has been seen, in the course of this work, in what a sly and artful manner Mr. Jefferson entered upon the task of establishing himself as the plain, simple-hearted, unaffected republican, and the equally sincere and devoted friend of republicanism. On this basis he erected the great

fabric of his popularity, influence and power. At the same time, he strengthened his claim to these characteristics by accusing those who were principally concerned in forming and adopting the constitution, and in organizing and establishing the government, with being monarchists. In his letter to Mazzei, which has been so often alluded to, and which bears date April 24, 1796, he alleges the existence of a monarchical party, and accuses the executive and judicial branches of the government as being at that time the heads of it, and as opposed to the republicans—that is, himself and his friends. In a letter to Richard M. Johnson, dated March 10, 1808, (vol. 4, 109,) he says, "I came to the government under circumstances calculated to generate peculiar acrimony. I found all its offices in the possession of a political sect who wished to transform it ultimately into the shape of their darling model, the English government; and in the mean time to familiarize the public mind to the change, by administering it on English principles and in English forms." In the same volume, page 144, is a letter to governor Langdon, in which he says, "The toryism with which we struggled in 1777, differed but in name from the federalism of 1799, with which we struggled also; and the Anglicism of 1808, against which we are now struggling, is but the same thing still, in another form. It is a longing for a king, and an English king, rather than any other." At page 182 of the same volume, is a letter to Mr. Melish, dated January 13, 1813, in which he says, "Amidst this mass of approbation which is given to every other part of the work, there is a single sentiment which I cannot help wishing to bring to what I think the correct one; and on a point so interesting, I value your opinion too highly not to ambition its concurrence with my own. Stating in volume first, page sixty-third, the principle of difference between the two great po-

litical parties here, you conclude it to be, 'whether the controlling power shall be vested in this or that set of men.' That each party endeavors to get into the administration of the government, and to exclude the other from power, is true, and may be stated as a motive of action: but this is only secondary; the primary motive being a real and radical difference of political principle. I sincerely wish our differences were but personally who should govern, and that the principles of our constitution were those of both parties. Unfortunately, it is otherwise; and the question of preference between monarchy and republicanism, which has so long divided mankind elsewhere, threatens a permanent division here." Again; In relating a conversation which he says he had with general Washington, in the year 1792, among other things, he says, "I told him, that though the people were sound, there were a numerous sect who had monarchy in contemplation; that the secretary of the treasury was one of these. That I had heard him say that this constitution was a shilly-shally thing, of mere milk and water, which could not last, and was only good as a step to something better. That when we reflected, that he had endeavored in the convention to make an English constitution of it, and when failing in that we saw all his measures tending to bring it to the same thing, it was natural for us to be jealous; and particularly when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the treasury, doing whatever he had directed, and ready to do what he should direct."

A thorough examination of the charge preferred by Mr. Jefferson against the federalists, of entertaining monarchical principles and propensities, is a subject of deep interest and importance, and forms one of the great objects which the author had in view when he undertook the task

of writing this work. He believed it an act of justice to the memories and characters of as virtuous, disinterested, and patriotic a body of men as ever existed in any country and under any form of government. It was much to be desired that it should have been performed by some abler hand; and by no person more sincerely or anxiously than himself. Having given to their country the benefit of their services and talents, and having been calumniated by men of far inferior capacities, as well as moral worth, and rendered unpopular, and in many instances odious, to the people whom they had served with perfect integrity and disinterestedness—with talents rarely equalled, and an exercise of perseverance, fidelity, and energy never exceeded, they have a strong and well-founded claim upon their country for the justice due to their services and their reputations. Ingratitude has been ascribed to republics as the sin which easily besets them. This characteristic, odious as it is, becomes much more so when it is accompanied by proscription and persecution. Perhaps the source of this species of injustice to public servants, will be found in the nature of things. Republics almost invariably become divided into political parties; and many a man, who lays claim to consideration on the score of personal and moral worth, will bring his mind to adopt a course of conduct as a partizan, which he would individually shrink from and apparently detest. The responsibility in the latter case would be his own, and he must personally be answerable for the whole; while, in the former, it would be subdivided among so many that an individual share would be considered as hardly an object worthy of notice or regard. It required no small amount of courage, of a certain description, in any man, to attempt to destroy the reputation of George Washington, within less than ten years after the establishment of our national independence,

on the ground of his entertaining political sentiments opposed to republicanism, and favorable to the establishment of a monarchical government in the United States. After the time he had spent, the sacrifices he had made, the risks he had run, the great talents he had displayed, the immensely important services he had rendered, in achieving the freedom and independence of his country, but few men would have possessed hardihood enough to attempt to undermine or lessen, much less to overthrow, the exalted character which that most distinguished and most excellent man had established. There was, however, something more than this necessary to be done, before the object could be accomplished. It was indispensable to destroy the confidence of the nation in the integrity, talents, services and patriotism, of a large number of as able and virtuous statesmen, as brave and public spirited soldiers, as any republic, ancient or modern, could boast of. Bold and desperate, however, as the enterprise was, Mr. Jefferson had the hardihood to undertake it; and what is, if possible, still more extraordinary, to a very considerable extent, he succeeded in the accomplishment of his object. The means by which he thus far attained his end, were secret, artful, and of the most unworthy character. They consisted of the profession of a sincere regard for the union and constitution of the republic, a sacred veneration for the people and their rights, a strong attachment to republican simplicity of habits and manners, and an equal dislike of all ostentation and parade, an utter disrelish for public employment, and a ceaseless yearning for the retirement of private life; and far above all, an entire and absolute hatred of monarchical government. In the midst of all this, he yearned for popularity, by whatever means obtained, and his bosom glowed with personal and political ambition—an extreme desire for office, influence, and power.

CHAPTER XV.

Alien and sedition laws—Reasons for passing the alien law—Copy of the act—Zealously opposed by Mr. Jefferson—His opinion of it as expressed in his letters—Urges Pendleton to write against it—Copy of parts of the sedition law—His opinion of it as expressed in a letter to Mrs. Adams—Petitions to congress for the repeal of the laws—Report of committee in the house of representatives—Letter to Madison, February, 1799, giving an account of the proceedings in the house on the report—Law respecting alien enemies—Still in force—Extract from Tucker's Life of Jefferson—His object in opposing the law to court popularity, and render the federalists unpopular—Letter from general Washington to Spotswood, on the alien and sedition laws—Letter to B. Washington—Prosecutions under the sedition law—Persons convicted pardoned by Jefferson—Prosecutions in Connecticut—Case of Rev. Dr. Backus—Letter from Jefferson to W. C. Nicholas, professing ignorance of these cases—Facts to show that he was acquainted with them.

Two acts of congress, which were passed during the administration of the elder Mr. Adams, in the year 1798, commonly called the alien and sedition laws, were used with great success by Mr. Jefferson, and, under his influence, by his partizans, against the federalists, as legislative enactments which violated the constitution of the United States. It is doubtful whether any other measures of the government, during that stormy period, had so powerful an agency in lessening the influence of the federalists and destroying their popularity.

At the time when the alien law was passed, there were strong apprehensions of a war between the United States and France. Mr. Jefferson was the vice president, and

was warmly and zealously opposed to the measures of the government which related to the controversy with that nation. At the same time, there were in the country a number of bold, meddling and mischievous foreigners, some of whom were connected with the publication of newspapers, in which the administration, and the principal officers of the government, were constantly attacked in coarse, indecent, reproachful, and vindictive language. Their object most obviously was, by the promulgation of scurrility and slander to destroy the reputations and influence of those members of the government, and to bring them into general contempt; and at the same time, to excite a seditious spirit of opposition to its measures. In order to guard against the evils which such a state of things was calculated and designed to produce, especially in an important emergency, which was supposed likely to occur, it was thought to be expedient, as well as proper, to provide the means, in case of a necessity therefor, for the executive to restrain or prevent such persons from carrying into effect their mischievous intentions; and if it should become necessary, to remove them beyond the boundaries of the national jurisdiction. Such a power was considered as inherent in the government; as it would be an absurdity to refuse to it, under refined and scrupulous notions of constitutionality, the power of self-defence and protection. The act was in the following words—

"1. Be it enacted—That it shall be lawful for the president of the United States, at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable ground to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such or-

der; which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the secretary of state by the marshal or other person to whom the same shall be directed. And in case any alien so ordered to depart shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a license from the president to reside therein, or having obtained such license shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States. *Provided*, that if any alien so ordered to depart shall prove, to the satisfaction of the president, by evidence to be taken before such person or persons as the president shall direct, who are for that purpose hereby authorized to administer oaths, that no injury or danger to the United States will arise from suffering such alien to reside therein, the president may grant a license to such alien to remain within the United States, for such time as he shall judge proper, and at such place as he shall designate. And the president may also require of such alien to enter into a bond to the United States, in such penal sum as he may direct, with one or more sufficient sureties, to the satisfaction of the person authorized by the president to take the same, conditioned for the good behavior of such alien during his residence in the United States, and not violating his license, which license the president may revoke whenever he shall think proper.

"2. That it shall be lawful for the president of the United States, whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof any alien who may or shall be in prison, in pursuance of this act; and to cause to be arrested and sent

out of the United States, such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a license as aforesaid, in all cases where, in the opinion of the president, the public safety requires a speedy removal. And if any alien so removed, or sent out of the United States, by the president, shall voluntarily return thereto, unless by permission of the United States, such alien, on conviction thereof, shall be imprisoned so long as, in the opinion of the president, the public safety may require."

The 3d, 4th and 5th sections relate to the manner of executing the law; and the 6th is in the following words—

"That this act shall continue and be in force for and during the term of two years from the passing thereof. [*Approved*, June 25, 1798.]"

This measure, as soon as it was proposed in congress, met with the pointed opposition of Mr. Jefferson, who never lost an opportunity to seize hold of every subject that was calculated to excite popular passion, and to enlist in his own favor vulgar prejudice or resentment. When it was in progress through congress, in a letter to James Madison, dated May 31, 1798, (Jefferson's Works, volume 3, page 391,) he says, "The alien bill will be ready to-day, probably for its third reading in the senate. It has been considerably mollified, particularly by a proviso saving the rights of parties. Still, it is a most detestable thing." In a letter to Stephens Thompson Mason, (Ibid, page 402,) he says, "The X. Y. Z. fever has considerably abated through the country, as I am informed, and the alien and sedition laws are working hard. I fancy that some of the state legislatures will take strong ground on this occasion. For my own part, I consider those laws as merely an experiment on the American mind, to *see how far it will bear an avowed violation of the constitution.* If this goes

down, we shall immediately see attempted another act of congress, declaring that the president shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs and the establishment of the senate for life." In a letter to John Taylor, dated November 26, 1798, (Jefferson's Works, volume 4, page 403,) after noticing the subject of amending the constitution in one or two particulars, he goes on to say, "For the present, I should be for resolving the alien and sedition laws to be against the constitution and merely void, and for addressing the other states to obtain similar declarations; *and I would not do anything at this moment which should commit us further, but reserve ourselves to shape our future measures or no measures, by the events which may happen.*" In page 414 of the same volume, in a letter to Edmund Pendleton, dated January 29, 1799, in which he urges Mr. Pendleton to recapitulate the transactions which occurred during the negotiation with France, for the purpose of bringing the subject distinctly to the understanding of the people, he says, "Nobody in America can do it as well as yourself, in the same character of the father of your country, or any form you like better, and so concise, as, omitting nothing material, may yet be printed in hand-bills of which *we could print and disperse ten or twelve thousand copies under letter covers, through all the United States, by the members of congress when they return home.* If the understanding of the people could be rallied to the truth on this subject by exposing the dupery practised on them, there are so many other things about to bear on them favorably for the resurrection of their republican spirit, that a reduction of the administration to constitutional principles cannot fail to be the effect. These are the alien and sedition laws," &c.

That objects of a political description, rather than any

real apprehensions for the safety of the constitution, occupied Mr. Jefferson's mind and excited his opposition to these measures, will be more readily believed at this distance of time, is not improbable; especially as his views and character are much better understood now than they were forty years ago.

The act commonly called the "sedition law," was passed at the same session of congress with the alien law. The second section, which was the offensive one, is in the following words—

"That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing, any false, scandalous, writing or writings, against the government of the United States, or either house of the congress of the United States, or the president of the United States, with intent to defame the said government, or either house of the said congress, or the said president, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the United States, or to stir up sedition within the United States, or to excite any unlawful combinations therein for opposing or resisting any law of the United States, or any act of the president of the United States done in pursuance of any such law or of the powers in him vested by the constitution of the United States; or to resist, or oppose, or defeat, any such law or act; or to aid, encourage, or abet, any hostile designs of any foreign nation against the United States, their people, or government, then such person, being thereof convicted before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars and by imprisonment not exceeding two years.

The third section is as follows—

"That if any person shall be prosecuted under this act for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court as in other cases."

Mr. Jefferson's opinion of this act, as well as of the alien law, has already been cited. But in a letter to Mrs. Adams, dated July 22, 1804, (Jeff. works, vol. 4, page 22,) he uses still stronger and more decisive language respecting the sedition law. In explaining to her the reason why he pardoned a man who had been convicted under the act for a libel upon *his friend* Mr. Adams, he says, "But another fact (of which he has been accused) is, that I liberated a wretch who was suffering for a libel against Mr. Adams. I do not know who was the particular wretch alluded to; but I discharged every person under punishment or prosecution under the sedition law, because I considered at . now consider that law to be a nullity, as absolute and as palpable as if congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage, as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship the image. It was accordingly done in every instance, without asking what the offenders had done, or against whom they had offended, but whether the pains they were suffering were inflicted under the pretended sedition law. It was certainly possible that my motives for contributing to the relief of Callendar, and liberating sufferers under the sedition law, might have been to protect, encourage, and reward slander; but they may also have been those which

inspire ordinary charities to objects of distress, meritorious or not, or the obligation of an oath to protect the constitution, violated by an unauthorized act of congress. Which of these were my motives, must be decided by a regard to the general tenor of my life. On this I am not afraid to appeal to the nation at large, to posterity, and still less to that Being who sees himself our motives, who will judge us from his own knowledge of them, and not from the testimony of Porcupine or Fenno."

At the session of congress which followed that in which the alien and sedition laws were passed, a great number of petitions praying for their repeal on the ground of their being unconstitutional, were presented, and referred to a committee of the house of representatives; who, on the 21st of February, 1799, made a very able report on the general subject. The following is an extract from that document—

"The act concerning aliens, and the act in addition to the act, entitled an act for the punishment of certain crimes, shall be first considered.

"Their constitutionality is impeached. It is contended that congress have no power to pass a law for removing aliens.

"To this it is answered, that the asylum given by a nation to foreigners is mere matter of favor, resumable at the public will. On this point, abundant authorities might be adduced, but the common practice of nations attests the principle.

The right of removing aliens, as an incident to the power of war and peace, according to the theory of the constitution, belongs to the government of the United States. By the 4th section of the 4th article of the constitution, congress is required to protect each state from invasion, and is vested by the 8th section of the 5th article, with power to make all laws, which shall be proper to carry in-

to effect all powers vested by the constitution in the government of the United States, or in any department or officer thereof; and to remove from the country, in times of hostility, dangerous aliens, who may be employed in preparing the way for invasion, is a measure necessary for the purpose of preventing invasion, and of course a measure that congress is empowered to adopt.

"The act is said to be unconstitutional, because to remove aliens is a direct breach of the constitution, which provides by the 9th section of the 1st article, that 'the migration or importation of such persons as any of the states shall think proper to admit, shall not be prohibited by the congress prior to the year 1808.'

"To this, it is answered, first, that this section in the constitution was enacted solely in order to prevent congress from prohibiting, until after a fit period, the importation of SLAVES, which appears from two considerations. First, that the restriction is confined to the states which were in existence at the time of establishing the constitution; and secondly, that it is to continue only twenty years, for neither of which modifications could there have been the least reason, had the restriction been intended to apply, not to slaves particularly, but to all emigrants in general.

"Secondly, it is answered, that to prevent emigration in general is a very different thing from sending off after their arrival, such emigrants as might abuse the indulgence, by rendering themselves dangerous to the peace or safety of the country, and that if the constitution, in this particular, should be so construed, it would prevent congress from driving a body of armed men from the country, who might land with views evidently hostile.

"Thirdly, that as the constitution has given to the states no power to remove aliens, during the period of the

limitation under consideration, in the mean time, on the construction assumed, there would be no authority in the country empowered to send away dangerous aliens, which cannot be admitted; and that on a supposition the aforesaid restrictive clause included every description of emigrants, the different sections must receive such a construction as will reconcile them with each other; and according to a fair interpretation of the different parts of the constitution, the section cannot be considered as restrictive on the power of congress to send away dangerous foreigners in times of threatened or actual hostility. And though the United States at the time of passing this act were not in a state of declared war, they were in a state of partial hostility, and had the power by law, to provide, as by this act they have done, for removing dangerous aliens.

"This law is said to violate that part of the constitution which provides that the trial of all crimes except in cases of impeachment shall be by jury; whereas this act invests the president with power to send away aliens on his own suspicion, and thus to inflict punishment without trial by jury.

"It is answered in the first place, that the constitution was made for CITIZENS, not for ALIENS, who of consequence have no RIGHTS under it, but remain in the country, and enjoy the benefit of the laws, not as matter of right, but merely as matter of favor and permission; which favor and permission may be withdrawn whenever the government charged with the general welfare shall judge their further continuance dangerous. It is answered in the second place, that the provisions in the constitution relative to presentment and trial of offences by juries, do not apply to the revocation of an asylum given to aliens. Those provisions solely respect crimes, and the alien may be removed without having committed any offence, merely from

motives of policy or security. The citizen, being a member of the society, has a right to remain in the country, of which he cannot be disfranchised, except for offences first ascertained on presentment and trial by jury.

"It is answered thirdly, that the removal of aliens, though it may be inconvenient to them, cannot be considered as a punishment inflicted for an offence, but, as before remarked, merely the removal, from motives of general safety, of an indulgence which there is danger of their abusing, and which we are in no manner bound to grant or continue.

"The 'act in addition to an act, entitled an act for the punishment of certain crimes against the United States,' commonly called the sedition act, contains provisions of a twofold nature; first, against seditious acts, and second, against libelous and seditious writings. The first have never been complained of, nor has any objection been made to its validity: the objection applies solely to the second; and on the ground, in the first place, that congress has no power by the constitution to pass any act for punishing libels, no such power being expressly given, and all powers not given to congress being reserved to the states respectively, or to the people thereof.

"To this opinion it is answered, that a law to punish false, scandalous and malicious writings against the government, with intent to stir up sedition, is a law necessary for carrying into effect the power vested by the constitution in the government of the United States, and in the departments and officers thereof, and consequently such a law as congress may pass: because the direct tendency of such writings is to obstruct the acts of the government by exciting opposition to them, to endanger its existence by rendering it odious and contemptible in the eyes of the people, and to produce seditious combinations against the

laws, the power to punish which has never been questioned: because it would be manifestly absurd to suppose that a government might punish sedition, and yet be void of power to prevent it by punishing those acts, which plainly and necessarily lead to it. And because under the general power to make all laws proper and necessary for carrying into effect the powers vested by the constitution in the government of the United States, congress has passed many laws for which no express provision can be found in the constitution, and the constitutionality of which have never been questioned; such as the first section of the act now under consideration for punishing seditious combinations; the act passed during the present session, for punishing persons who, without authority from the government, shall carry on any correspondence relative to foreign affairs with any foreign government; the act for the punishment of certain crimes against the United States, which defines and punishes misprision of treason; the 10th and 12th sections, which declare the punishment of accessories to piracy, and of persons who shall confederate to become pirates themselves, or to induce others to become so; the 15th section, which inflicts a penalty on those who steal or falsify the record of any court of the United States; the 18th and 21st sections of which provide for the punishment of persons committing perjury in any court of the United States, or attempting to bribe any of their judges; the 22d section, which furnishes those who obstruct or resist the progress of any court of the United States, and the 23d against rescuing offenders who have been convicted of any capital offence before those courts; provisions, none of which are expressly authorized, but which have been considered as constitutional because they are necessary and proper for carrying into effect certain powers expressly given to congress.

"It is objected to this act, in the second place, that it is expressly contrary to that part of the constitution which declares that 'congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the liberty of the press.' The act in question is said to be an 'abridgment of the liberty of the press,' and therefore unconstitutional.

"To this it is answered, in the first place, that the liberty of the press consists not in a license for every man to publish what he pleases, without being liable to punishment if he should abuse this license to the injury of others, but in a permission to publish, without previous restraint, whatever he may think proper, being answerable to the public and individuals for any abuse of this permission to their prejudice; in like manner as the liberty of speech does not authorize a man to speak malicious slanders against his neighbor, nor the liberty of action justify him in going by violence into another man's house, or in assaulting any person whom he may meet in the streets. In the several states, the liberty of the press has always been understood in this manner, and no other; and the constitution of every state, which has been framed and adopted since the declaration of independence, asserts 'the liberty of the press,' while in several, if not all, their laws provide for the punishment of libelous publications, which would be a manifest absurdity and contradiction, if the liberty of the press meant to publish anything and everything, without being amenable to the laws for the abuse of this license. According to this just, legal, and universally admitted definition of 'liberty of the press,' a law to restrain its licentiousness, in publishing false, scandalous and malicious libels against the government, cannot be considered as 'an abridgment' of its 'liberty.'

"It is answered, in the second place, that the liberty of

the press did never extend, according to the laws of any state, or of the United States, or of England, from whence our laws are derived, to the publication of false, scandalous and malicious writings against the government, written or published with intent to do mischief, such publications being unlawful and punishable in every state; from whence it follows undeniably, that a law to publish seditious and malicious publications is not an abridgment of 'the liberty of the press,' for it would be a manifest absurdity to say, that a man's liberty was abridged for doing that which he never had a liberty to do.

"It is answered, thirdly, that the act in question cannot be unconstitutional, because it makes nothing penal that was not penal before, and gives no new powers to the court, but is merely declaratory of the common law, and useful for rendering that law more generally known and more easily understood. This cannot be denied, if it be admitted, as it must be, that false, scandalous, and malicious libels against the government of the country, published with intent to do mischief, are punishable by the common law; for by the 2d section of the 3d article of the constitution, the judicial power of the United States is expressly extended to all offences arising under the constitution. By the constitution the government of the United States is established, for many important objects, as THE GOVERNMENT OF THE COUNTRY; and libels against that government, therefore, are offences arising under the constitution, and consequently are punishable at common law by the courts of the United States. The act, indeed, is so far from having *extended* the law, and the power of the court, that it has abridged both, and has enlarged instead of abridging the 'liberty of the press;' for at common law, libels against the government might be punished with fine and imprisonment at the discretion of the court, where-

as the act limits the fine to two thousand dollars, and the imprisonment to two years; and it also allows the party accused to give the TRUTH in evidence for his justification, which by the common law was expressly forbidden.

"And lastly, it is answered, that had the constitution intended to prohibit congress from legislating at all on the subject of the press, which is the construction whereon the objections to this law are founded, it would have used the same expressions as in that part of the clause which relates to religion and religious tests; whereas the words are wholly different; "congress," says the constitution, (amendment 3d,) "shall make NO LAW RESPECTING an establishment of religion, or PROHIBITING the free exercise hereof, or ABRIDGING the freedom of speech or the press." Here it is manifest that the constitution intended to prohibit congress from legislating at all on the subject of *religious establishments*, and the prohibition is made in the most express terms. Had the same intention prevailed respecting the press, the same expressions would have been used, and congress would have been "prohibited from passing any law *respecting* the press." They are not, however, "prohibited" from legislating at all on the subject, but merely from *abridging* the liberty of the press. It is evident they may legislate respecting the press, may pass laws for its regulation, and to punish those who pervert it into an engine of mischief, provided those laws do not "abridge" its "liberty." Its LIBERTY, according to the well known and universally admitted definition, consists in permission to publish, without previous restraint upon the press, but subject to punishment afterwards for improper publications. A law, therefore, to impose previous restraint upon the press, and not one to inflict punishment on wicked and malicious publications, would be a law to

abridge the liberty of the press, and as such unconstitutional.

"The foregoing reasoning is submitted as vindicating the validity of the laws in question.

"Although the committee believe, that each of the measures adopted by congress during the last session is susceptible of an analytical justification, on the principles of the constitution and national policy, yet they prefer to rest their vindication on the true ground of considering them as parts of a general system of defence, adapted to a crisis of extraordinary difficulty and danger.

"It cannot be denied that the power to declare war; to raise and support armies; to provide and maintain a navy; to suppress insurrections and repel invasions, and also the power to defray the necessary expense by loans or taxes, are vested in congress. Unfortunately for the present generation of mankind, a contest has arisen and rages with unabated ferocity, which has desolated the fairest portion of Europe, and shaken the fabric of society through the civilized world. From the nature and effects of this contest, as developed in the experience of nations, melancholy inferences must be drawn, that it is unsusceptible of the restraints which have either designated the objects, limited the duration, or mitigated the horrors of national contentions. In the internal history of France, and in the conduct of her forces and partizans in the countries which have fallen under her power, the public councils of our country were required to discern the dangers which threatened the United States, and to guard not only against the usual consequences of war, but also against the effects of an unprecedented combination to establish new principles of social action on the subversion of religion, morality, law and government. Will it be said, that the raising of a small army, and an eventual provision for drawing into the public service a

considerable proportion of the whole force of the country, was in such a crisis unwise or improvident?

"If such should be the assertion, let it be candidly considered, whether some of our fertile and flourishing states did not, six months since, present as alluring objects for the gratification of ambition or cupidity as the inhospitable climate of Egypt? What then appeared to be the comparative difficulties between invading America and subverting the British power in the East Indies? If this was a professed, not a real object, of the enterprise, let it be asked, if the sultan of the Ottoman Empire was not really the friend of France at the time when his unsuspecting dependencies were invaded; and whether the United States were not at the same time loaded with insults and assailed with hostility? If, however, it be asserted, that the system of France is hostile only to despotic or monarchical governments, and that our security arises from the form of our constitution, let Switzerland, first divided and disarmed by perfidious seductions, now agonized by relentless power, illustrate the consequences of similar credulity. Is it necessary at this time to vindicate the naval armament; rather may not the enquiry be boldly made, whether the guardians of the public weal would not have deserved and received the reproaches of every patriotic American, if a contemptible naval force had been longer permitted to intercept our necessary supplies, destroy our principal source of revenue, and seize, at the entrance of our harbors and rivers, the products of our industry destined to our foreign markets? If such injuries were at all to be repelled, is not the restriction which confined captures by our ships solely to armed vessels of France, a sufficient proof of our moderation?

"If, therefore, naval and military preparations were necessary, a provision of funds to defray the consequent ex-

penses was of course indispensable; a review of all the measures that have been adopted since the establishment of the government, will prove that congress have not been unmindful of the wishes of the American people to avoid an accumulation of the public debt; and the success which has attended these measures affords conclusive evidence of the sincerity of their intentions. But to purchase sufficient quantities of military supplies, to establish a navy, and provide for all the contingencies of an army, without recourse to new taxes and loans, was impracticable; both measures were in fact adopted,—in devising a mode of taxation, the convenience and ease of the least wealthy class of the people were consulted as much as possible, and although the expenses of assessment have furnished a topic of complaint, it is found that the allowances are barely sufficient to ensure the execution of the law, even aided as they are by the disinterested and patriotic exertions of worthy citizens; besides, it ought to be remembered that the expenses of organizing a new system, should not on any principle, be regarded as a permanent burden on the public.

"In authorizing a loan of money, congress have not been inattentive to prevent a permanent debt; in this particular, also, the public opinion and interest have been consulted. On considering the law, as well as the manner in which it is proposed to be carried into execution, the committee are well satisfied in finding any excess in the immediate charge upon the revenue is likely to be compensated by the facility of redemption, which is secured to the government.

"The alien and sedition acts, so called, form a part, and, in the opinion of the committee, an essential part in these precautionary and protective measures adopted for our security.

"France appears to have an organized system of conduct towards foreign nations—to bring them within the

sphere and under the dominion of her influence and control. It has been unremittingly pursued under all the changes of her internal polity. Her means are in wonderful coincidence with her ends. Among these, and not the least successful, is the direction and employment of the active and versatile talents of her citizens abroad, as emissaries and spies. With a numerous body of French citizens and other foreigners, and admonished by the passing scenes in other countries, as well as by aspects in our own, knowing they had the power, and believing it to be their duty, congress passed the law respecting aliens, directing the *dangerous* and *suspected*, to be removed and leaving to the *inoffensive* and *peaceable* a safe asylum.

"The principles of the sedition law, so called, are among the most ancient principles of our governments. They have been ingrafted into statutes, or practiced upon as maxims of the common law, according as occasion required. They were often and justly applied in the revolutionary war. Is it not strange, that now they should first be denounced as oppressive, when they have long been recognized in the jurisprudence of these states?

"The necessity that dictated these acts, in the opinion of the committee, still exists.

"So eccentric are the movements of the French government, we can form no opinion of their future designs towards our country. They may recede from the tone of menace and insolence, to employ the arts of seduction, before they astonish us with their ultimate designs. Our safety consists in the wisdom of the public councils, a cooperation on the part of the people with the government, by supporting the measures provided for repelling aggressions, and an obedience to the social laws.

"After a particular and general review of the whole subject referred to their consideration, the committee see no

ground for rescinding these acts of the legislature. The complaints preferred by some of the petitioners may be fairly attributed to a diversity of sentiment naturally to be expected among a people of various habits and education widely dispersed over an extensive country; the innocent misconceptions of the American people will, however, yield to reflection and argument, and from them no danger is to apprehended.

"In such of the petitions as are conceived in a style of vehement and acrimonious remonstrance, the committee perceive too plain indications of the principles of that exotic system which convulses the civilized world. With this system, however organized, the public councils cannot safely parley or temporize; whether it assumes the guise of patriotism to mislead the affections of the people—whether it be employed in forming projects of local and eccentric ambition, or shall appear in the more generous form of open hostility, it ought to be regarded as the bane of public as well as private tranquillity and order.

"Those to whom the management of public affairs is now confided, cannot be justified in yielding any established principles of law or government to the suggestions of modern theory; their duty requires them to respect the lessons of experience, and transmit to posterity the civil and religious privileges which are the birth-right of our country, and which it was the great object of our happy constitution to secure and perpetuate.

"Impressed with these sentiments, the committee beg leave to report the following resolutions:—

"*Resolved*, That it is inexpedient to repeal the act passed the last session, entitled "An act concerning aliens."

"*Resolved*, That it is inexpedient to repeal the act passed the last session, entitled 'An act in addition to the act entitled An act for the punishment of certain crimes against the United States.'

"*Resolved*, That it is inexpedient to repeal any of the laws respecting the navy, military establishment or revenue of the United States."

This report is inserted at length on account of its great importance, being the only public document which presents a full view of the origin of the alien and sedition laws, the principles on which they were founded, and the clear, sound, and unanswerable constitutional argument by which they were supported and justified. Without attempting, however, to overthrow, or even to answer the reasoning contained in it, Mr. Jefferson laid by none of his virulence and animosity towards those acts; but made use of them as long as it was necessary for his political purposes, to forward his own views and vilify his opponents. This report, as has been remarked, was dated on the 21st of February, 1799. On the 26th of that month, in a letter to James Madison, (Jeff. Works, vol. 3, page 423,) he says, "Yesterday witnessed a scandalous scene in the house of representatives. It was the day for taking up the report of their committee against the alien and sedition laws, &c. They held a caucus and determined that not a word should be spoken on their side, in answer to any thing which should be said on the other. Gallatin took up the alien and Nicholas the sedition law; but after a little while of common silence, they began to enter into loud conversations, laugh, cough, &c., so that for the last hour of these gentlemen's speaking they must have had the lungs of a vendue master to have been heard. Livingston, however, attempted to speak. But after a few sentences the speaker called him to order, and told him what he was saying was not to the question. It was impossible to proceed. The question was taken and carried in favor of the report, fifty-two to forty-eight; the real strength of the two parties is fifty-six to fifty."

During the same session of congress at which the alien and sedition laws were enacted, the following act was passed, under the title of "An act respecting alien enemies."

"That, whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted or threatened, against the territory of the United States by any foreign nation or government, and the president of the United States shall make public proclamation of the event, all natives, citizens, denizens or subjects of the hostile nation or government, being males of the age of ourteen years and upwards, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained secured, and removed, as alien enemies. And the president of the United States shall be, and he is hereby authorized, in any event, as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed on the part of the United States towards the aliens who shall become liable as aforesaid, the manner and the degree of the restraint to which they shall be subject, and in what cases and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom, and establish any other regulations which shall be found necessary in the premises and for the public safety.

"That after any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the United States, and of each state having criminal jurisdiction, and of the several judges and justices of the courts of the United States, and they shall be, and are hereby respectively authorized upon complaint, against any alien or alien ene-

mies, as aforesaid, who shall be resident and at large, within such jurisdiction or district, to the danger of the public peace or safety and contrary to the tenor or intent of such proclamation or other regulations which the president of the United States shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and convened before such court, judge, or justice; and after a full examination or hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the United States, or to give sureties of their good behavior, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison or otherwise secure such alien or aliens until the order which shall and may be made, as aforesaid, shall be performed."

This act was passed without any provision limiting its duration, and it is now in the statute book of the United States, and in force; and in the war with Great Britain in 1812, it was enforced by Mr. Madison, then president of the United States, against British subjects residing in the United States, numbers of whom were ordered to remove from the Atlantic cities back into the country, and to remain there until the return of peace.

That Mr. Jefferson's hostility to the alien and sedition law proceeded, in some measure at least, from feelings and views of a political character, rather than from a sincere conviction that they were unconstitutional, may be safely inferred from what has been said. Additional proof in support of this remark, as it regards the alien law, may be derived from Tucker's Life of Jefferson, a work recently published. In the second volume of the work, page 45, it is said, "During the ten years that the present federal government had been in operation, many questions had

arisen concerning the interpretation of the constitution. But there had been no instance in which the opinion that that instrument had been violated was so decided, or in which the supposed infraction had excited so much sensibility, as these two laws, [alien and sedition laws,] which were always coupled together in the public mind as having originated in the same policy, and as leading to the same tendency. But in point of fact it was the law that abridged the freedom of the press which was most looked at; and the other was condemned by most Americans, like the stork in the fable, for the society in which it was found, and *for the sake of soothing the great mass of foreigners who were not yet naturalized, the greater part of whom, particularly the Irish and French, were attached to the republican party.*"

Mr. Jefferson was perfectly aware of the importance of securing the votes as well as the feelings of the foreigners, who early began to flock in great numbers to this country. Hence he recommended, shortly after his accession to the office of president, an alteration in the naturalization law, shortening materially the period of residence before a foreigner could be admitted to the rights of citizenship. He knew what description of persons would be the most likely to quit their own countries and take refuge in the United States, and that a little flattery and a show of regard for their welfare, would attach them to his interests and his party; especially as it was called "the republican party." These considerations very naturally would, and undoubtedly did, call forth his enmity to the alien law; and coupling it with the sedition law, which had reference to the press, it was an easy task for him to excite the public passions, over which he had an almost absolute command, against both these measures. Both of them were unquestionably warranted by the constitutional authority of con-

gress; but in hands as dextrous as his, and with a party as blindly devoted to their leader as his were, it accomplished the objects he had in view, which were, to elevate himself and depress his opponents.

In addition to what has been adduced in vindication of the alien and sedition laws, and in support of their constitutionality, the following extract of a letter from general Washington to Alexander Spotswood, dated Philadelphia, November 22, 1798, (Wash. Corres. vol. 11, page 345,) containing his sentiments on that subject, will be read with interest:—

"Your letter of the 13th inst. inclosing a publication under the signature of Gracchus on the alien and sedition laws, found me at this place deeply engaged in business.

"You ask my opinion of these laws, professing to place confidence in my judgment. For this compliment I thank you. But to give opinions unsupported by reasons might appear dogmatical, especially as you have declared that Gracchus has produced 'thorough conviction in your mind' of the unconstitutionality and inexpediency of the acts above mentioned.' To go into an explanation on these points I have neither leisure nor inclination, because it would occupy more time than I have to spare.

"But I will take the liberty of advising such as are not 'thoroughly convinced,' and whose minds are yet open to conviction, to read the pieces and hear the arguments which have been advanced in favor of as well as those against the constitutionality and expediency of those laws before they decide; and consider to what lengths a certain description of men in our country have already driven, and seem resolved to drive matters, and then ask themselves if it is not time and expedient, to resort to protecting laws against aliens, (for citizens you certainly know are not affected by

that law,) who acknowledge no allegiance to this country, and in many instances are sent among us, as there is the best circumstantial evidence to prove, for the express purpose of poisoning the minds of our people, and sowing dissensions among them, in order to alienate their affections from the government of their choice, thereby endeavoring to dissolve the union, and of course the fair and happy prospects which were unfolding to our view from the revolution."

In a letter to Bushrod Washington, dated December 31, 1798, (Ibid. 386,) is the following passage relating to the same subject:—

"By this conveyance I have sent to general Marshall the charge of judge Addison to the grand juries of the county courts of the fifth circuit of the state of Pennsylvania, and requested him, after he had read it, to give it to you, or dispose of it in any other manner he might think proper. This charge is on the liberty of speech and the press, and is a justification of the alien and sedition laws.

"But I do not believe, that anything contained in it, in Evans's pamphlet or in any other writing, will produce the least change in the conduct of the leaders of opposition to the measures of the general government. They have points to carry, from which no reasoning, no inconsistency of conduct, no absurdity, can divert them. If, however, such writings should produce conviction in the minds of those who have hitherto placed faith in their assertions, it will be a fortunate event for this country."

Various prosecutions were brought before the United States courts for violations of the sedition law, and convictions obtained, in the discussion of which cases the constitutionality of the act was fully considered and adjudicated, and the penalties prescribed in it were enforced. Still, Mr. Jefferson's opposition to both the laws was steady, un-

remitted and vehement; the federalists were accused of having violated the constitution in enacting both the statutes, and, as has been seen, upon coming into the office of president of the United States, he exercised the power of pardoning vested in him by the constitution, and discharged every person convicted under the sedition law from prison and punishment, professedly on the simple ground that the law was unconstitutional, and, therefore, null and void. And it is well known to every person who was on the stage of life at the time and paid any attention to passing events, that he was more indebted to the clamor raised by himself and echoed by his partizans against these two acts of congress as being unwarranted by the constitution, than to any other cause, for the success of his ambitious project of raising himself to the chief magistracy of the nation. That the acts were clearly constitutional no intelligent and upright mind, after examining the foregoing report, can doubt. That the clamor against them was intended for party purposes and personal interests is equally unquestionable.

At the circuit court of the United States, held in the district of Connecticut in April, 1806, bills for libelous publications were found against three persons, viz: Thomas Collier, a printer, Thaddeus Osgood, a young clergyman, and Tappan Reeve, a judge of the superior court of that state. These prosecutions were necessarily at common law, because the far-famed sedition law had expired. In the course of several successive terms of the court, an additional number of prosecutions for seditious and libelous publications were instituted against different persons. After harrassing the defendants in these cases by arrests, holding to bail, attendance from term to term upon the court, employing counsel, and in all the variety of forms in which litigation is so singularly fertile, they all failed, (with the

exception, perhaps, of one,) either for insufficiency in the indictments, the want of jurisdiction in the court, or by the district attorney entering *nolle prosequi*. The expenses to which the United States were subjected by these prosecutions must have been very large, as great numbers of witnesses were summoned from term to term, and in attendance through a great part of the time the court was in session. Several of these cases were for alleged libels upon Mr. Jefferson; and they were instituted and conducted in court by a district attorney whom he had appointed to the office—an officer who must, of course, have possessed his confidence. On the 22d of January, 1807, during Mr. Jefferson's administration, a member of the house of representatives of the United States from the state of Connecticut, introduced to that house the following resolution. "Resolved, that the secretary of the treasury be directed to lay before this house copies of the accounts containing the respective charges which have been adjusted by the accounting officers of the treasury in cases of public prosecutions before the circuit court of the United States, holden in the district of Connecticut, in the months of April and September, in the year one thousand eight hundred and six." On the 28th of January, 1807, "The speaker laid before the house a letter from the secretary of the treasury, inclosing copies of the accounts of expenses incurred in public prosecutions before the circuit court of the United States for the district of Connecticut, in the months of April and September, one thousand eight hundred and six, in obedience to a resolution of the house, of the twenty-second instant, which were read and ordered to be committed to the committee of the whole house, to whom was committed, on the second instant, a motion for the appointment of a committee 'to inquire whether prosecutions at common law could be sustained in the courts of the

United States for libelous publications or defamatory words, touching persons holding offices or places of trust under the United States; and whether it would not be proper, if the same be sustained, to allow the parties prosecuted the liberty of giving the truth in evidence.'"

Among these prosecutions was one against the Rev. Azel Backus, of Bethlehem, in the state of Connecticut, a clergyman of distinguished talents and highly esteemed for learning and piety. After the expiration of the sedition law of the United States, which contained a provision authorizing, in prosecutions under it, the truth to be given in evidence in justification of the party prosecuted, the legislature of Connecticut passed an act with a similar provision. Finding that the district attorney appeared to be determined, first or last, to bring the case against Dr. Backus to trial, a messenger was despatched in his behalf to Virginia, to summon witnesses from that state to prove the truth of the matters alleged against him in the indictment. One of those witnesses was the honorable James Madison, then secretary of state and afterwards president of the United States. Upon ascertaining what testimony would be required of him, he informed Mr. Jefferson that he had been called upon to testify, and what would be the nature of the testimony which was expected from him. Upon learning this, and, at the same time, being informed that several other witnesses had been summoned to attend the court, Mr. Jefferson gave notice to them that they need not obey the summons, as the cases would be disposed of without trial; and they, therefore, did not attend. These facts were stated in open court by Dr. Backus's counsel; the case against him was continued to another term of the court, and eventually was dismissed without trial.

In the 4th volume of Mr. Jefferson's works, page 129, is a letter from him to Wilson C. Nicholas, dated June 13, 1809, of which the following is an extract:—

"I had observed *in a newspaper* (some years ago, I do not recollect the time exactly,) *some dark hints* of a prosecution in Connecticut, but so obscurely hinted that I paid little attention to it. Some considerable time after it was again mentioned, so that I understood that some prosecution was going on in the federal court there for calumnies uttered from the pulpit against me by a clergyman. I immediately wrote to Mr. Granger, who, I think, was in Connecticut at the time, stating, that I had laid it down as a law to myself to take no notice of the thousand calumnies issued against me, but to trust my character to my own conduct and the good sense and candor of my fellow-citizens; that I had found no reason to be dissatisfied with that course, and I was unwilling it should be broke through by others as to any matter concerning me; and I therefore requested him to desire the district attorney to dismiss the prosecution. Some time after this, I heard of subpœnas being served on general Lee, Davis M. Randolph and others, as witnesses to attend the trial. I then, *for the first time*, conjectured *the subject of the libel*. I immediately wrote to Mr. Granger to require an immediate dismission of the prosecution. The answer of Mr. Huntington, the district attorney, was, that these subpœnas had been issued by the defendant without his knowledge; that it had been his intention to dismiss all the prosecutions at the first meeting of the court, and to accompany it with an avowal of his opinion that they could not be maintained, because the federal court had no jurisdiction over libels. This was accordingly done. I did not till then know that there were other prosecutions of the same nature, nor do I now know what were their subjects, but all went off together; and I afterwards saw, in the hands of Mr. Granger, a letter written by the clergyman, disavowing all personal ill-will towards me, and solemnly declaring he had never ut-

tered the words charged. I think Mr. Granger either showed me or said there were affidavits of at least half a dozen respectable men, who were present at the sermon, and swore no such expressions were uttered, and as many equally respectable who swore the contrary. But the clergyman expressed his gratification at the dismission of the prosecution. I write all this from memory, and after too long an interval of time to be certain of the exactness of all the details; but I am sure there is no variation material, and Mr. Granger, correcting small laxes of memory, can confirm everything substantial. Certain it is that the prosecutions had been instituted, and had made considerable progress, without my knowledge; that they were disapproved of by me as soon as known, and directed to be discontinued. The attorney did it on the same ground on which I had acted myself in the cases of Duane, Callendar and others; to wit, that the sedition law was unconstitutional and null, and my obligation to execute what was law involved that of not suffering rights secured by valid laws to be prostrated by what was no law. I always understood that the prosecutions had been invited by judge Edwards, and the marshall, being republican, had summoned a grand jury partly or wholly republican; but that Mr. Huntington declared from the beginning against the jurisdiction of the court, and had determined to enter *nolle prosequi* before he received my directions."

In the year 1808, a pamphlet was published in Connecticut, under the title of "A LETTER TO THE PRESIDENT OF THE UNITED STATES, *touching the prosecutions under his patronage before the circuit court in the district of Connecticut; containing a faithful narrative of the extraordinary measures pursued, and of the incidents, both serious and laughable, that occurred during the pendency of these abortive prosecutions.*" This publication was understood

at the time to have been written by a gentleman of the bar, of the highest respectability for talents and character, who, having been engaged as counsel in the prosecutions alluded to, was perfectly acquainted with their origin, progress and termination. The facts, and the dates which he gives, will enable any person to form an opinion respecting the truth of Mr. Jefferson's declarations to Mr. Nicholas respecting his want of knowledge of the existence of the cases, and of the time and manner of his first becoming acquainted with their having been instituted. The facts that the indictments for libels were found by the grand jury, the parties arrested, brought before the court and admitted to bail, the cases continued; that the indictments were quashed for insufficiency, renewed, continued and quashed again, or voluntarily withdrawn by the prosecuting attorney, were all matters of so much notoriety, of such common conversation and of newspaper commentary, that if the subject had not been, as has been stated, brought before congress and made the subject of inquiry there, it would have been little short of marvelous if the knowedge of the existence of these prosecutions had not reached the ears of Mr. Jefferson.

The following is an extract from the editor's preface to Hampden's pamphlet: —

"It is a subject of some regret that Hampden has not interwoven with his narrative a detailed statement of the measures taken by the president to prevent the witnesses summoned in Virginia, in the case of Mr. Backus, from attending the court, together with certain *et ceteras* connected therewith. *This is a very curious history!* It will be laid before the public." The reason is then stated, and the author of the preface proceeds to remark as follows,—

"In one of the southern states, a few months since, I became acquainted with the gentleman who summoned

the several witnesses in Virginia; among whom were colonel Walker and Mr. Madison. This gentleman informed me that he saw and conversed freely with the former, and was assured by him that, painful as was the nature of the summons served on him, he should obey the mandate of the court, and must consequently testify to all the material facts alleged in the public prints respecting Mr. Jefferson's conduct towards his lady. He further stated to my informant, (what was previously understood to be the fact,) that Mr. Madison was the person confidentially employed by Mr. Jefferson to effect, if possible, a reconciliation for the insult, and was the bearer of several letters to him on the subject. Having summoned colonel Walker and two or three other witnesses, my informant proceeded to the seat of Mr. Madison with a *subpœna* for his attendance. But *while there* that gentleman received a letter from the president, a part of which letter he read, acquainting him, (Mr. M.) that, in case he should be subpœnaed his attendance would be unnecessary, as the indictment against Mr. Backus was to receive a *quietus*. The other witnesses summoned in Virginia were furnished with notifications of similar import, and consequently neither of them attended the court." This passage is cited for the purpose of adding strength to the presumption that Mr. Jefferson's declarations in his letter to Mr. Nicholas respecting these cases cannot be true.

CHAPTER XVI.

The Federalists believed Mr. Jefferson insincere and hypocritical—Professed great friendship for John Adams in a letter to Mrs. Adams, in 1804—In a letter to general Washington, in 1791, he charges Mr. Adams with apostacy to monarchy—The friendly intercourse between them not interrupted by this apostacy, but by Mr. Adams's appointments to office at the close of his administration—Apparent that Jefferson had, upon coming into the secretary of state's office, laid his plan to place himself at the head of the government—Hamilton, being a more formidable obstacle to his ambition than Adams, became the object of peculiar animosity—Correspondence between general Washington and Jefferson and Hamilton, in August, 1792, respecting dissensions in the cabinet—Washington's letter to Jefferson—Letter to Hamilton—Mr. Jefferson's answer, September, 1792—Reasons for employing Freneau—Objections to the constitution, that it wanted a bill of rights, &c.—Says Hamilton's objection was, that it wanted a king and house of lords—Hamilton made great exertions in the formation and adoption of the constitution—Jefferson did nothing—Hamilton's answer to Washington's letter, August, 1792—Washington's confidence in Hamilton never shaken by Jefferson's attempts to that end—Jefferson never appealed to the country, as suggested in his letter.

One great objection that the federalists had to Mr. Jefferson was, that they believed him to be habitually insincere and hypocritical—that in his professions of esteem, respect and even friendship, for many individuals, he was deceitful and hollow-hearted—that his devotion to the people's rights was affected for the purpose of gaining popularity, and opening the way for the accomplishment of his future views of personal aggrandizement. Hence they viewed his affectation of a superior regard for republican-

ism as designed to forward his plans for the establishment of a political party, for the purpose of gratifying his own ambitious feelings and projects. In pursuance of this general scheme of political selfishness, he had the assurance, in a sly and underhand manner, to charge his associates in the government, particularly Hamilton, Knox, and even Washington, with not only entertaining monarchical sentiments, but some of them with the adoption of measures intended eventually to change the form of the government and introduce a monarchy in its stead. In his correspondence towards the close of his life, it has been seen by extracts from his letters to Mrs. Adams, as well as to Mr. Adams himself, that he professed an old, long standing, cordial, and warm attachment to that gentleman—that a friendship which commenced in early life had been continued through all the trials and vicissitudes of their public career; and finally, when both were advanced to extreme old age, it glowed with all the fervor of youth.

In his letter to Mrs. Adams of June 18, 1804, which has been referred to in this work, and which contained the first overture for the renewal of their friendly intercourse, Mr. Jefferson says, "Mr. Adams's friendship and mine began at an earlier date. It accompanied us through long and important scenes. The different conclusions we had drawn from our political reading and reflections were not permitted to lessen mutual esteem; each party being conscious they were the result of an honest conviction in the other." And he adds, "I can say with truth, that one act of Mr. Adams's life, and one only, ever gave me a moment's personal displeasure." He then refers to the last appointments by Mr. Adams, just as his administration was coming to a close.

The letter from which these passages are copied, is dated, it will be recollected, in 1804. In a letter to general

Washington, written in 1791—twenty-three years before, and but a little more than a year after he entered the office of secretary of state—he charges Mr. Adams, in direct terms, with apostacy to hereditary monarchy and nobility. He does, indeed, express some apprehensions that the indiscretion of a printer may have committed him with *his friend* Mr. Adams, "for whom, as one of the most honest and disinterested men alive, he had a cordial esteem, increased by long habits of concurrence in opinion in *the days of his republicanism*, and even *since his apostacy to hereditary monarchy and nobility*, though we differ, we differ *as friends should do*."

The charge of entertaining monarchical sentiments, according to Mr. Jefferson's view of the subject, was one of the most aggravated in the whole catalogue of political offences. In the case of general Hamilton, against whom he steadily and perseveringly alleged it, it was the basis of the deepest and most envenomed reproach. When writing his note to the printer of the Rights of Man, he expresses his gratification that that work was to be printed, that something was likely to be said against the political heresies that had lately sprung up among us. In this last remark, he acknowledges he had in view the *Discourses on Davila*—a work of which it was well known Mr. Adams was the author. And yet, more than twenty years afterwards, when he was endeavoring, through a correspondence with Mrs. Adams, to cajole Mr. Adams to a reconciliation, after expressing the early and long continued friendship that had existed between them, he says, there never had been but a single act of his that had given him (Mr. Jefferson) personal displeasure. That act was, not his apostatizing from republicanism to monarchical principles—not because Mr. Adams was plotting treason against the constitution and government of his country, by endeav-

oring to change it from a republic to a monarchy: these, it would seem, were not of sufficient importance to check or interrupt the tide of friendship which had so long flowed between them. It was a matter of deeper interest than these. It was the nomination of a number of distinguished persons to be judges of the courts, or to other offices, whose only disqualification was that they were federalists —who, he says, were his ardent political enemies, from whom he could expect no faithful co-operation. Laying plots for the overthrow of the constitution and government with a design to change our system from a republic to a monarchy, gave him no personal uneasiness; whilst the appointment of federalists to office was a serious injury to his feelings, and a mark of personal hostility on the part of Mr. Adams.

It is perfectly apparent from the contents of the letter from Mr. Jefferson to general Washington, that the former had, immediately after coming into the government, laid the plan by which he intented to place himself at the head of the nation. That plan was to form a political party upon the captivating basis of republicanism in opposition to the federalists, to charge the latter with monarchical principles and designs, render them suspected and odious, and establish himself and his followers as the ardent and exclusive friends of the people, and thus accomplish the grand objects of his life, viz. personal popularity and political aggrandizement. In the case of general Hamilton, monarchical sentiments, in Mr. Jefferson's view, constituted a most atrocious offence against the nation. Similar sentiments, as it regarded Mr. Adams, though originally stamped with apostacy, formed nothing more serious than an honest difference of opinion between friends. General Hamilton was obviously, in Mr. Jefferson's view, a much more formidable obstacle in the way of his ambi-

tion, than Mr. Adams. Hence the extreme heinousness of the principles ascribed to the former beyond those of the latter. But the duplicity which could adopt such different language, and express such different feelings, respecting the same person, as he did towards Mr. Adams, if there were no other proof to support the charge, would stamp him with deep and disgraceful dissimulation and hypocrisy.

It has been seen, that Mr. Jefferson, by his own statements, charged general Hamilton frequently, in conversation with general Washington, not only with entertaining monarchical sentiments, but having designs of changing the government of the United States into a monarchy. By the following correspondence it will appear, that on one occasion, at least, he put his sentiments on that subject into writing, and entered into many particulars to convince general Washington of the truth of his allegations. The dissensions in his cabinet, and particularly between the secretaries of state and the treasury, had, as early as the the year 1792, become so serious as not only to cause him much inconvenience, but to excite in his mind many fears that if continued they must result in very important consequences to the government. In order to avoid such an evil, and, if possible, to reconcile these high officers of the government, he addressed to each of them a letter on the subject, and received from each his answer. Neither of these documents appears in Mr. Jefferson's correspondence published since his death. They are all copied from general Washington's Writings, published by Mr. Sparks, in 1836.

The letter to Mr. Jefferson is dated the 23d of August, 1792, and the following is an extract from it:—

"How unfortunate, and how much to be regretted is it, that while we are encompassed on all sides with avowed enemies and insidious friends, internal dissensions should

be harrowing and tearing our vitals. The latter, to me, is the most serious, the most alarming, and the most afflicting of the two; and, without more charity for the opinions and acts of one another in governmental matters, or some more infallible criterion by which the truth of speculative opinions, before they have undergone the test of experience, are to be forejudged, than has yet fallen to the lot of fallibility, I believe it will be difficult, if not impracticable, to manage the reins of government, or to keep the parts of it together; for if, instead of laying our shoulders to the machine after measures are decided on, one pulls this way and another that, before the utility of the thing is fairly tried, it must inevitably be torn asunder; and in my opinion, the fairest prospect of happiness and prosperity that ever was presented to man will be lost perhaps forever.

"My earnest wish and my fondest hope, therefore, is, that instead of wounding suspicions and irritating charges, there may be liberal allowances, mutual forbearances, and temporizing yieldings on all sides. Under the exercise of these, matters will go on smoothly, and, if possible, more prosperously. Without them, everything must rub; the wheels of government will clog; our enemies will triumph, and by throwing their weight into the disaffected scale, may accomplish the ruin of the goodly fabric we have been erecting."

On the 26th of the same month, in the same year, he wrote a letter to general Hamilton, then secretary of the treasury, from which the following is an extract:—

"Differences in political opinions are as unavoidable as, to a certain point, they may perhaps be necessary; but it is exceedingly to be regretted, that subjects cannot be discussed with temper on the one hand, or decisions submitted to without having the motives which led to them im-

properly implicated on the other; and this regret borders on chagrin, when we find that men of abilities, zealous patriots, having the same *general* objects in view, and the same upright intentions to prosecute them, will not exercise more charity in deciding on the opinions and actions of one another. When matters get to such lengths, the natural inference is, that both sides have strained the cords beyond their bearing, and that a middle course would be found the best until experience shall have decided on the right way, or (which is not to be expected, because it is denied to mortals) there shall be some infallible rule by which we could forejudge events.

"Having premised these things, I would fain hope that liberal allowences will be made for the political opinions of each other; and instead of those wounding suspicions and irritating charges with which some of our gazettes are so strongly impregnated, and which cannot fail, if persevered in, of pushing matters to extremity and thereby tearing the machine asunder, that there may be mutual forbearance and temporizing yielding *on all sides*. Without these I do not see how the reins of government are to be managed, or how the union of the states can be much longer preserved.

"How unfortunate would it be if a fabric so goodly, erected under so many providential circumstances, and in its first stages having acquired such respectability, should, from diversity of sentiments or internal obstructions some of the acts of government, (for I cannot prevail on myself to believe that these measures are as yet the deliberate acts of a determined party,) be brought to the verge of dissolution. Melancholy thought! But, at the same time that it shows the consequences of diversified opinion when pushed with too much tenacity, it exhibits evidence also of the necessity of accommodation, and of

the propriety of adopting such healing measures as may restore harmony to the discordant members of the union and the governing powers of it."

On the 9th of September, 1792, Mr. Jefferson replied to general Washington in a letter from which the following extract is taken:—

"I now take the liberty of proceeding to that part of your letter wherein you notice the internal dissensions which have taken place within our government, and their disagreeable effect on its movements. That such dissensions have taken place is certain, and even among those who are nearest to you in the administration. To no one have they given deeper concern than myself; to no one equal mortification at being myself a part of them. Though I take to myself no more than my share of the general observations of your letter, yet I am so desirous even that you should know the whole truth, I believe no more than the truth, that I am glad to seize every occasion of developing to you whatever I do or think relative to the government, and shall therefore ask permission to be more lengthy now than the occasion particularly calls for, or would otherwise perhaps justify.

"When I embarked in the government, it was with a determination to intermeddle not at all with the legislature, and as little as possible with my co-departments. The first and only instance of variance from the former part of my resolution, I was duped into by the secretary of the treasury, and made a tool for forwarding his schemes, not then sufficiently understood by me; and of all the errors of my political life, this has occasioned me the deepest regret. It has ever been my purpose to explain this to you, when from being actors on the scene we shall have become uninterested spectators only. The second part of my resolution has been religiously observed with the war

department; and, as to that of the treasury, has never been farther swerved from than by the mere enunciation of my sentiments in conversation, and chiefly among those who, expressing the same sentiments, drew mine from me.

"If it has been supposed that I have ever intrigued among the members of the legislature to defeat the plans of the secretary of the treasury, it is contrary to all truth. As I never had the desire to influence the members, so neither had I any other means than my friendship, which I valued too highly to risk by usurpations on their freedom of judgement and the conscientious pursuit of their own sense of duty. That I have utterly, in my private conversations, disapproved of the system of the secretary of the treasury, I acknowledge and avow; and this was not merely a speculative difference. His system flowed from principles adverse to liberty, and was calculated to undermine and demolish the republic, by creating an influence of his department over the members of the legislature. I saw this influence actually produced, and its first fruits to be the establishment of the great outlines of his project by the votes of the very persons, who, having swallowed his bait, were laying themselves out to profit by his plans; and that, had these persons withdrawn, as those interested in a question ever should, the vote of the disinterested majority was clearly the reverse of what they made it. These were no longer the votes then of the representatives of the people, but of deserters from the rights and interests of the people; and it was impossible to consider their decisions, which had nothing in view but to enrich themselves, as the measures of the fair majority, which ought always to be respected.

"If what was actually doing begat uneasiness in those who wished for virtuous government, what was further proposed was not less threatening to the friends of the con-

stitution. For, in a report on the subject of manufactures (still to be acted on) it was expressly assumed, that the general government has a right to exercise all powers which may be for the general *welfare*, that is to say, all the legitimate powers of government; since no government has a legitimate right to do what is not for the welfare of the governed. There was indeed a sham limitation of the universality of this power *to cases where money is to be employed.* But about what is it that money cannot be employed? Thus the object of these plans taken together is to draw all the powers of government into the hands of the general legislature, to establish means for corrupting a sufficient corps in that legislature to divide the honest votes, and preponderate by their own the scale which suited, and to have that corps under the command of the secretary of the treasury for the purpose of subverting step by step the principles of the constitution, which he has so often declared to be a thing of nothing, which must be changed.

"Such views might have justified something more than mere expressions of dissent, beyond which, nevertheless, I never went. Has abstinence from the department committed to me been equally observed by him? To say nothing of other interferences equally known, in the case of the two nations with which we have the most intimate connexions, France and England, my system was to give some satisfactory distinctions to the former, which might induce them to abate their severities against our commerce. I have always supposed this coincided with your sentiments; yet the secretary of the treasury, by his cabals with members of the legislature, and by high toned declamation on other occasions, has forced down his own system, which was exactly the reverse. He undertook, of his own authority, the conferences with the ministers of these two nations,

and was on every consultation provided with some report of a conversation with the one or the other of them adapted to his views.

"These views thus made to prevail, their execution fell of course to me; and I can safely appeal to you, who have seen all my letters and proceedings, whether I have not carried them into execution as sincerely as if they had been my own, though I ever considered them as inconsistent with the honor and interest of our country. That they have been inconsistent with our interest is but too fatally proved by the stab to our navigation given by the French. So that if the question be, by whose fault is it that colonel Hamilton and myself have not drawn together? the answer will depend on that to two other questions. Whose principles of administration best justify, by their purity, conscientious adherence? And which of us has, notwithstanding, stepped farthest into the control of the department of the other?

"To this justification of opinions, expressed in the way of conversation, against the views of colonel Hamilton, I beg leave to add some notice of his late charges against me in *Fenno's Gazette;* for neither the style, matter, nor venom of the pieces alluded to can leave a doubt of their author. Spelling my name and character at full length to the public, while he conceals his own under the signature of "AN AMERICAN," he charges me, first, with having written letters from Europe to my friends to oppose the present constitution while depending; secondly, with a desire of not paying the public debt; thirdly, with setting up a paper to decry and slander the government.

"The first charge is most false. No man in the United States, I suppose, approved of every tittle in the constitution; no one, I believe, approved more of it than I did; and more of it was certainly disapproved by my accuser than

by me, and of its parts most vitally republican. Of this the few letters I wrote on the subject (not half a dozen, I believe,) will be a proof; and for my own satisfaction and justification, I must tax you with the reading of them when I return to where they are. You will there see that my objection to the constitution was, that it wanted a bill of rights, securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and a constant *habeas corpus* act. Colonel Hamilton's was, that it wanted a king and house of lords. The sense of America has approved my objection, and added the bill of rights, not the king and lords. I also thought a longer term of service, insusceptible of renewal, would have made a president more independent. My country has thought otherwise, and I have acquiesced implicitly. He wished the general government should have power to make laws binding the states in all cases whatsoever. Our country has thought otherwise. Has he acquiesced? Notwithstanding my wish for a bill of rights, my letters strongly urged the adoption of the constitution, by nine states at least, to secure the good it contained. I at first thought that the best method of securing the bill of rights wouldbe, for four states to hold off till such a bill should be agreed to. But the moment I saw Mr. Hancock's proposition to pass the constitution as it stood, and give perpetual instructions to the representatives of every state to insist on a bill of rights, I acknowledged the superiority of his plan, and advocated universal adoption.

"The second charge is equally untrue. My whole correspondence while in France, and every word, letter and act on the subject since my return, prove that no man is more ardently intent to see the public debt soon and sacredly paid off than I am. This exactly marks the difference between colonel Hamilton's views and mine, that I

would wish the debt paid to-morrow: he wishes it never to be paid, but always to be a thing wherewith to corrupt and manage the legislature.

"Thirdly, I have never inquired what number of sons, relations, and friends of senators, representatives, printers, or other useful partisans colonel Hamilton has provided for among the hundred clerks of his department, the thousand excisemen, custom-house officers, loan officers, &c. &c., appointed by him, or at his nod, and spread over the Union: nor could ever have imagined, that the man, who has the shuffling of millions backwards and forwards from paper into money and money into paper, from Europe to America and America to Europe, the dealing out of treasury secrets among his friends in what time and measure he pleases, and who never slips an occasion of making friends with his means; that such a one, I say, would have brought forward a charge against me for having appointed the poet Freneau translating clerk to my office with a salary of two hundred and fifty dollars a year.

"The fact stands thus. While the government was at New-York, I was applied to on behalf of Freneau to know if there was any place within my department to which he could be appointed. I answered, there were but four clerkships, all of which I found full, and continued without any change. When we removed to Philadelphia, Mr. Pintard, the translating clerk, did not choose to remove with us. His office then became vacant. I was again applied to there for Freneau, and had no hesitation to promise the clerkship for him. I cannot recollect whether it was at the same time, or afterwards, that I was told he had a thought of setting up a newspaper there; but whether then, or afterwards, I considered it as a circumstance of some value, as it might enable me to do what I had long wished to have done, that is, to have the material parts of

the *Leyden Gazette* brought under your eye and that of the public, in order to possess yourself and them of a juster view of the affairs of Europe than could be obtained from any other public source. This I had ineffectually attempted through the press of Mr. Fenno while in New-York, selecting and translating passages myself at first, then having it done by Mr. Pintard, the translating clerk. But they found their way too slowly into Mr. Fenno's papers. Mr. Backe essayed it for me in Philadelphia; but his, being a daily paper, did not circulate sufficiently in other states. He even tried, at my request, the plan of a weekly paper of recapitulation from his daily paper, in hopes that that might go into the other states; but in this, too, we failed.

"Freneau, as translating clerk and the printer of a periodical paper likely to circulate through the states, (uniting in one person the parts of Pintard and Fenno,) revived my hopes that the thing could at length be effected. On the establishment of his paper, therefore, I furnished him with the *Leyden Gazettes*, with an expression of my wish that he would always translate and publish the material intelligence they contained; and have continued to furnish them from time to time as regularly as I received them. But as to any other direction or indication of my wish how his press should be conducted, what sort of intelligence he should give, what essays encourage, I can protest, in the presence of Heaven, that I never did, by myself or any other, directly or indirectly, write, dictate or procure any one sentence or sentiment to be inserted *in his or any other gazette* to which my name was not affixed, or that of my office. I surely need not except here a thing so foreign to the present subject as a little paragraph about our Algerine captives which I put once into Fenno's paper.

"Freneau's propositions to publish a paper having been about the time the writings of PUBLICOLA and the DISCOURSES ON DAVILA had a good deal excited the public attention, I took it for granted, from Freneau's character, which had been marked as that of a good whig, that he would give free place to pieces written against the aristocratical and monarchical principles these papers had inculcated. This having been in my mind, it is likely enough I may have expressed it in conversation with others; though I do not recollect that I did. To Freneau I think I could not, because I had still seen him but once, and that was at a public table, at breakfast, at Mrs. Ellsworth's, as I passed through New York the last year; and I can safely declare that my expectations looked only to the chastisement of the aristocratical and monarchical writers, and not to any criticisms on the proceedings of the government.

"Colonel Hamilton can see no motive for any appointment but that of making a convenient partizan. But you, sir, who have received from me the recommendations of a Rittenhouse, Barlow, Paine, will believe that talents and science are sufficient motives with me in appointments to which they are fitted; and that Freneau, as a man of genius, might find a preference in my eye to be a translating clerk, and make good title, moreover, to the little aids I could give him as the editor of a gazette, by procuring subscriptions to his paper as I did, some before it appeared, and as I have with pleasure done for the labors of other men of genius. I hold it to be one of the distinguishing excellences of an elective over hereditary successions, that the talents which nature has provided in sufficient proportion, should be selected by the society for the government of their affairs rather than that this should be transmitted through the loins of knaves and fools, passing from the debauchees of the table to those of the bed.

"Colonel Hamilton, alias "Plain Facts," says, that Freneau's salary began before he resided in Philadelphia. I do not know what quibble he may have in reserve on the word "*residence.*" He may mean to include under that idea the removal of his family; for I believe he removed, himself, before his family did, to Philadelphia. But no act of mine gave commencement to his salary before he so far took up his abode in Philadelphia, as to be sufficiently in readiness for the duties of his office. As to the merits or demerits of his paper, they certainly concern me not. He and Fenno are rivals for the public favor; the one courts them by flattery, the other by censure; and I believe it will be admitted that the one has been as servile as the other severe. But is not the dignity, and even decency of government committed, when one of its principal ministers enlists himself as an anonymous writer or a ragraphist for either the one or the other of them? No government ought to be without censors; and where the press is free, no one ever will. If virtuous, it need not fear the fair operation of attack and defence. Nature has given to man no other means of sifting out the truth, either in religion, law or politics. I think it as honorable to the government neither to know nor notice its sycophants or censors, as it would be undignified and criminal to pamper the former and persecute the latter.

"When I came into this office, it was with a resolution to retire from it as soon as I could with decency. It pretty early appeared to me, that the proper moment would be the first of those epochs at which the constitution seems to have contemplated a periodical change or removal of the public servants. In this I was confirmed by your resolution respecting the same period, from which, however, I am happy in hoping you have departed. I look to that period with the longing of a wave-worn mariner, who has at

length the land in view, and shall count the days and hours which still lie between me and it. In the mean while my main object will be to wind up the business of my office, avoiding as much as possible all new enterprises. With the affairs of the legislature, as I never did intermeddle, so I certainly shall not now begin. I am more desirous to predispose everything for the repose to which I am withdrawing, than expose it to be disturbed by newspaper contests.

"If these however cannot be avoided altogether, yet a regard for your quiet will be a sufficient motive for deferring it till I become merely a private citizen, when the propriety or impropriety of what I may say or do may fall on myself alone. I may then, too, avoid the charge of misapplying that time which, now belonging to those who employ me, should be wholly devoted to their service. If my own justification or the interests of the republic shall require it, I reserve to myself the right of then appealing to my country, subscribing my name to whatever I write, and using with freedom and truth the facts and names necessary to place the cause in its just form before that tribunal. To a thorough disregard of the honors and emoluments of office, I join as great a value for the esteem of my countrymen; and conscious of having merited it by an integrity which connot be reproached, and by an enthusiastic devotion to their rights and liberty, I will not suffer my retirement to be clouded by the slanders of a man whose history, from the moment history can stoop to notice him, is a tissue of machinations against the liberty of the country which has not only received and given him bread, but heaped its honors on his head."

There are some things in this letter that are worthy of notice.

Mr. Jefferson complains much in it of general Hamil-

ton's interference in the business of the department of state; while on his part, he avers, that he never meddled with the concerns of the treasury, any further than to utter expressions of dissent from the measures proposed by the head of that department. On this subject he uses the following language:—"To say nothing of other interferences equally known, in the case of the two nations with which we have the most intimate connections, France and England, my system was to give some satisfactory distinctions to the former, which might induce them to abate their severities against our commerce. I have always supposed this coincided with your sentiments; yet the secretary of the treasury, by his cabals with members of the legislature and by high toned declamation on other occasions, has forced down his own system, which was exactly the reverse."

On what grounds Mr. Jefferson formed the opinion that general Washington entertained the same sentiments with himself respecting the relations that ought to subsist between this country and France, it is not easy to ascertain. General Washington's wishes, as far as they can be gathered from his system of policy, and the measures which he adopted whilst at the head of the government, were for the observance of a strict neutrality between those two great rival powers, to do exact justice, and maintain a strict friendship with both. That he ever entertained, for a moment, a disposition to purchase the good will of France, by giving "satisfactory distinctions" to that nation, over Great Britain, and especially for the purpose of inducing the French to "abate their severity against our commerce," cannot, in justice to his character, and from a regard to the honor of the United States, be admitted for a moment. That great man could never have consented to degrade the nation over which he presided by purchasing immu-

nity from foreign injustice, or foreign resentment, by paying tribute to any power, and especially, in such a servile and dastardly manner as is here suggested. He would have run the risk of any "stab" which they might have attempted to give "to our navigation," rather than debase his country before any power on earth.

Mr. Jefferson goes much at length, in this letter, into the reasons why he appointed Philip Freneau translating clerk in the department of state. His objects, according to his own explanation of them, were principally two—to reward his poetical genius, and to have a man at hand who could translate and publish articles, from time to time, from the Leyden Gazette. With regard to the first, it is not easy to imagine what precise value poetical talents possessed in Mr. Jefferson's estimation. Freneau's talents in that department of literature were far from being extraordinary; but if they were suited to Mr. Jefferson's taste, and as poets deal largely in fiction it is probable they were, they may have been worth, in his view, two hundred and fifty dollars a year. Of how much importance the publications in a Dutch newspaper were to general Washington, for whose particular benefit Mr. Jefferson seems to have been desirous of introducing the contents of that gazette into this country, or to the government, cannot now be ascertained. It is probable they were of a revolutionary character, and friendly to French principles, or he would not have been so anxious to bring them to the knowledge of his countrymen.

But it is difficult to avoid the suspicion notwithstanding the pains taken in this letter to shut it out of view, that Mr. Jefferson, in patronizing Freneau, had more immediate reference to the importance of the newspaper he was establishing at the seat of government than he had to his poetical talents, or the translation and publication of

the matter in the Leyden Fazette. The character of his paper has already been alluded to. It was a vehicle of the most virulent and scurrilous abuse of the government of this country, and even of general Washington himself, and at the same time was devoted to the furtherance of Mr. Jefferson's ambitious views and interests. And it has been seen in what light Mr. Jefferson considered it, when upon general Washington's mentioning it in conversation with him, as of an abusive and malignant character. "He adverted," says Mr. Jefferson, "to a piece in Freneau's paper of yesterday; he said he despised all their attacks upon him personally, but that there had never been an act of the government, not meaning in the executive line only, but in any line, which that paper had not abused." And Mr. Jefferson then adds—"He was evidently sore and warm, and I took his intention to be, that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. *But I will not do it.* His paper *has saved our constitution*, which was galloping fast into monarchy, and has been checked by no one means so powerfully as by that paper." To say nothing of the gross indelicacy of this passage towards general Washington, it will be recollected, that it related to a person for whom Mr. Jefferson professed to entertain the highest esteem and respect, and who had it in his power, had he thought i expedient to exercise it, to remove him from the office which he held, and thus rid himself of the annoyance derived from both the principal and the agent.

In reply to the charge of having been opposed to the constitution, which had been made against him in a newspaper, and which he ascribes to general Hamilton, he says, "My objection to the constitution was, that it wanted a bill of rights, securing freedom of religion, freedom of the press, freedom from standing armies, trial by jury, and *a*

constant habeas corpus act. Colonel Hamilton's was, that it wanted *a king and house of lords.*"

Mr. Jefferson, as will be seen by the extracts from his printed works in this volume, in stating his objections to the constitution, frequently mentioned the want of the perpetual security of the writ of *habeas corpus* as one. And yet he was the first president of the United States, under whom a proposition was made to suspend its operation; and a bill, growing out of a confidential message to the senate of the United States, actually passed that body, suspending the *habeas corpus*, on the 23d of January, 1807. This measure which was professedly intended to aid the government in suppressing what was called the conspiracy of Aaron Burr, was adopted in the senate the day after the delivery of a message to both houses on that subject, from the general tenor of which it was apparent, that whatever danger had threatened the union from that combination, it had pas ed away, and some of the persons concerned in it as principals had been arrested at New Orleans, and sent as prisoners to the seat of government, in order to be tried for the crimes alleged against them. This extravagant measure therefore had become altogether unnecessary.

But Mr. Jefferson states explicitly in this letter to general Washington, that general Hamilton's objection to the constitution was, "*that it wanted a king and house of lords.*" That this charge was not true, is absolutely certain, as general Hamil.on never attempted to accomplish such an object. Nor does Mr. Jefferson, in the multitude of instances, and the great variety of forms, in which he accuses general Hamilton of monarchical principles and propensities, produce a particle of evidence in support of the charges. If he relied on the general project of a constitution which general Hamilton presented to the conven-

tion for their consideration, and which is published in this work, it does not in any measure prove the allegation. Indeed, there is not now, and there never was, any credible evidence before the public, that general Hamilton ever made any specific objection to the constitution, or ever entertained such a wish. On the contrary, he supported it in the general convention by which it was formed; he joined in recommending it, under his own signature, to the people of the United States; he exerted his great talents through the press to prepare the public mind for its favorable reception; and it was undoubtedly, in a great degree, owing to his influence and exertions, that it was adopted by the convention of the state of New York. To set off against this array of efforts in the formation and establishment of the constitution, Mr. Jefferson cannot boast of a single exertion of talent or influence, either in its formation or its adoption, in its favor. He contented himself with stating to his friends and correspondents, objections of divers kinds, and yielded to some things in it a cold and apparently reluctant assent. And yet, he has the hardihood to bring this weighty accusation against general Hamilton before general Washington, who was president of the convention which framed the constitution, and who, of course, must have known every act, proposition and project of general Hamilton's before that body; and who had, besides, witnessed his conduct as a member of his cabinet after the government was organized and had commenced its operations.

Mr. Jefferson endeavors, in this letter, to satisfy general Washington, that he never attempted, whilst he was secretary of state, to intrigue with the members of congress, to defeat the plans of the secretary of treasury; and he says, he never had a wish to influence them in their pub-

lic duties, at the same time, he acknowledges, that in private conversations he wholly disapproved of the system of that officer. The case does not seem to admit of much further effort at intrigue than the expression of opinions in private conversation. And as his opinions usually had the force of law with his adherents, he admits all that was necessary to render him liable to the general charge of having endeavored to influence members in their legislative conduct. And when his famous commercial report, made just as he was retiring from office, is remembered, and the great pains he took afterwards to excite opposition to the British treaty, and the alien and sedition laws—the latter while he was vice-president—it will require no great stretch of credulity to believe, that he was not entirely quiescent respecting the course of the public affairs alluded to, at a time when he was on the spot, and certainly took a deep interest in their general character. His uniform and vindictive opposition to general Hamilton, will always render him liable, at least, to the suspicion.

General Hamilton's answer to general Washington's letter of August 26, 1792, is as follows :—"I have the pleasure of your private letter of the 26th of August. The feelings and views which are manifested in that letter, are such as I expected would exist. And I most sincerely regret the causes of the uneasy sensations you experience. It is my most anxious wish, as far as may depend upon me, to smooth the path of your administration, and to render it prosperous and happy. And if any prospect shall open of healing or terminating the differences which exist, I shall most cheerfully embrace it; though I consider myself as the deeply injured party. The recommendation of such a spirit is worthy of the moderation and wisdom which dictated it. And if your endeavors should prove unsuccessful, I do not hesitate to say, that in my opinion

the period is not remote, when the public good will require SUBSTITUTES for the differing members of your administration. The continuance of a division there must destroy the energy of government, which will be little enough with the strictest union. On my part there will be a most cheerful acquiescence in such a result.

"I trust, sir, that the greatest frankness has always marked, and will always mark, every step of my conduct towards you. In this disposition I cannot conceal from you, that I have had some instrumentality of late in the retaliations, which have fallen upon certain public characters, and that I find myself placed in a situation not to be able to recede *for the present*.

"I considered myself as compelled to this conduct by reasons public as well as personal, of the most cogent nature. I *know* that I have been an object of uniform opposition from Mr. Jefferson, from the moment of his coming to the city of New York to enter upon his present office. I *know* from the most authentic sources, that I have been the frequent subject of the most unkind whispers and insinuations from the same quarter. I have long seen formed a party in the legislature under his auspices, bent upon my subversion. I cannot doubt from the evidence I possess, that the *National Gazette* was instituted by him for political purposes, and that one leading object of it has been to render me, and all the measures connected with my department, as odious as possible.

"Nevertheless, I can truly say that, except explanations to confidential friends, I never, directly or indirectly, retaliated or countenanced retaliation till very lately. I can even assure you, I was instrumental in perverting a very severe and systematic attack upon Mr. Jefferson by an association of two or three individuals, in consequence of the persecution which he brought upon the vice-president,

by his indirect and light letter to the printer transmitting Paine's pamphlet.

"As long as I saw no danger to the government from the machinations which were going on, I resolved to be a silent sufferer of the injuries which were done me. I determined to avoid giving occasion to anything which could manifest to the world dissensions among the principal characters of the government; a thing which can never happen without weakening its hands, and in some degree throwing a stigma upon it.

"But when I no longer doubted, that there was a formed party deliberately bent upon the subversion of measures, which in its consequences would subvert the government; when I saw that the undoing of the funding system in particular (which, whatever may be the original merits of that system, would prostrate the credit and honor of the nation, and bring the government into contempt with that description of men who are in every society the only firm supporters of the government,) was an avowed object of the party, and that all possible pains were taking to produce that effect by rendering it odious to the body of the people, I considered it as a duty to endeavor to resist the torrent, and, as an effectual means to this end, to draw aside the veil from the principal actors. To this strong impulse, to this decided conviction, I have yielded. And I think events will prove that I have judged rightly.

"Nevertheless, I pledge my honor to you, sir, that if you shall hereafter form a plan to reunite the members of your administration upon some steady principle of co-operation, I will faithfully concur in executing it during my continuance in office—and I will not, directly or indirectly, say or do a thing that shall endanger a feud."

Notwithstanding the very artful and labored attempt, in Mr. Jefferson's letter, to lower general Hamilton's prin-

ciples and character in general Washington's estimation, it has been seen by the letter from the latter to the former upon his leaving the treasury department, it was entirely without effect. That event occurred nearly two years after the date of this correspondence, and from the language of the letter alluded to, which will be found in this work, general Hamilton carried with him into retirement the fullest confidence, as well as the most sincere esteem and respect, of general Washington.

Nor is it known that Mr. Jefferson ever made his threatened appeal to the country, under his own signature, in order to place his cause before that tribunal. Whether his want of success in convincing general Washington of general Hamilton's treasonable designs against the country discouraged him from an effort with the people, or he became convinced that the safer, and it was certainly the more characteristic mode, that of retailing his slanders through the medium of a posthumous publication, would be the more discreet course to pursue for the attainment of his object, will be left to the reader's judgement to decide.

CHAPTER XVII.

Mr. Jefferson made use of unworthy means to gain popularity—Alleges that he had more confidence in the people than general Washington had; which was the only point on which they differed—He assumed the title of "Friend of the People"—Dressed plainly—affected unassuming manners—professed never to have written a word for newspapers—He urged others to write—In one instance he wrote himself, but proposed to procure somebody to father it—Tells Madison he must take up his pen in reply to Hamilton—Letter to E. Pendleton, Jan. 1799, urges him to write on the negociation with France—Letter to Madison, and calls upon him to write—The federalists viewed Jefferson as an unbeliever in Christianity—Letter to Dr. Priestly, March, 1804—Letter to Dr. Rush, April, 1803—estimate of the merits of the doctrines of Jesus, compared with the others—Letter to J. Adams, August, 1813—Letter to W. Short, April, 1820—Jefferson a materialist; Jesus on the side of spiritualism—Paul the first corrupter of the doctrines of Jesus—Letter to Short, Aug. 1820—The God of the Jews cruel, vindictive, capricious, and unjust—Letter to J. Adams, April, 1823—The three first verses of John, 1st chapter, mistranslated—Jefferson not a Christian—doubtful whether he believed in a God—His translation of John 1st absurd—Recapitulation of the subjects in the work—Conclusion.

Mr. Jefferson, like all other demagogues, made use of unworthy, indirect, and servile means to gain popular favor, with the view of accomplishing his ambitious projects. In one of his letters quoted in this work, he says, the only point in which general Washington and he differed in opinion, was, that he had more confidence in the natural integrity of the people, and in the safety and extent to which they might trust themselves with a control over their govern-

ment, than general Washington had. Governing his conduct through life by this confidence, he courted popular favor by the most fulsome flattery, and the most obsequious adulation. He early adopted the captivating title of the "*Friend of the People*," asserted not only their right but their capacity for what he called *self-government*, exhibited himself in public in the plainest garb, and with the most unassuming manners declaimed with much earnestness against pomp and show, as being inconsistent with republican simplicity, and indicative of an aristocratic and even of a monarchical tendency; and on all occasions, professed the greatest anxiety for the liberties, privileges, and security of the people. So firmly fixed was this habit of seeking popularity among the lower classes of the community, that it was manifested on various occasions, even at a late period of his life, when it might naturally have been expected his thoughts would have been occupied with subjects of more importance. In a letter to Elbridge Gerry, dated June 11, 1812, when speaking of the political condition of Massachusetts, he says, "But I trust that such perverseness will not be that of the honest and well meaning mass of the federalists of Massachusetts; and that when the questions of separation and rebellion shall be nakedly proposed to them, the Gores and the Pickerings will find their levees crowded *with silk-stocking gentry* but no yeomanry; an army of officers, without soldiers." And in a letter to the Marquis de La Fayette, dated in January, 1815, he says, "The yeomanry of the United States are not the *canaille* of Paris. We might safely give them leave to go through the United States recruiting their ranks, and I am satisfied they could not raise one single regiment, (gambling merchants and *silk-stocking clerks excepted*,) who would support them in any effort to separate from the union." Such language would have better be-

come an electioneering office-hunter, when addressing the low rabble of a city, than a man who had held the office of president of the United States, and was well advanced beyond seventy years of age. But it may serve to point out the source of the modern policy of the leading partizans and demagogues of this country, in arraying the poor in a warfare against the rich, and exciting the low and vulgar passions of the worthless members of the community against talents, character and property.

The practice of making use of low artifice, to promote his own objects of popularity and ambition, was manifested by him in a variety of ways, and on different occasions, as is sufficiently apparent from many passages of his correspondence.

In a letter from Mr. Jefferson to general Washington, dated June 19th, 1796, he says, "I have formerly mentioned to you, that from a very early period of my life, I have laid it down as a rule of conduct *never to write a word for the public papers.* From this I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another." This declaration of his never having written for the newspapers was repeated so often in Mr. Jefferson's letters, that the conclusion is forced upon the mind, that he viewed this species of abstinence as highly meritorious. There is, however, a legal maxim purporting, that any act which a man procures to be done by another person, is considered as having been done by himself; and of course, the principal is held to

be responsible for the acts of the agent. In a letter from Mr. Jefferson to James Madison, dated August 3d, 1797, he urges the latter to visit him, as he is anxious to consult with him on several matters, one of which he says is, "the subject of a petition now enclosed to you, to be proposed to our district, on the late presentment of our representative by the grand jury; the idea which it brings forward *is still confined to my own breast*. It has never been mentioned to any mortal, because I first wished your opinion on the expediency of the measure. If you approve it, I shall propose to * * * or some other, *to father it*, and to present it to the counties at their general muster. This will be in time for our assembly. The presentment going in *the public papers* just at the moment when congress was together, produced a great effect both on its friends and foes in that body, very much to the disheartening and mortification of the latter. I wish this petition, if approved, to arrive there *under the same circumstances*, to produce the counter effect so wanting for their gratification. I could have wished to receive it from you again at our court on Monday, because * * * and * * * will be there, and might also be consulted, and commence measures for putting it into motion." In a letter to the same, dated January 3, 1798, he says, "Monroe's book is considered as masterly by all those who are not opposed in principle, and it is deemed unanswerable. An answer, however, is commenced in Fenno's paper of yesterday, under the signature of Scipio. The real author not yet conjectured. As I take these papers merely to preserve them, I will forward them to you, as you can easily return them to me on my arrival at home; for I shall not see you on my way, as I mean to go by the eastern shore and Petersburg. Perhaps the paragraphs in some of these abominable papers may *draw from you* now and then *a squib*." In another

letter to the same, dated April 5, 1798, he says, "You will see in Fenno, two numbers of a paper signed Marcellus. They promise much mischief, and are ascribed, without any difference of opinion, to Hamilton. You must, my dear sir, *take up your pen against this champion.* You know the ingenuity of his talents; and there is not a person but yourself who can foil him. For heaven's sake, then, *take up your pen*, and do not desert the public cause altogether."

In a letter to Edmund Pendleton, dated January 29, 1799, after mentioning the effects produced by an address from that gentleman which had been running through the republican papers, and what he calls the wicked use that had been made of the French negotiation, and saying that a short and simple recapitulation of the correspondence was necessary, which should be levelled to every capacity, he says, "Nobody in America can do it so well as yourself, in the same character of the father of your country, or any form you like better, and so concise, as, omitting nothing material, may yet be printed in handbills, of which we could print and disperse ten or twelve thousand copies under letter covers, through all the United States, by the members of congress when they return home." In a letter to James Madison, dated February 5, 1799, he says, "A piece published in Bache's paper on *foreign influence* has had the greatest currency and effect. To an extraordinary first impression, they have been obliged to make a second, and of an extraordinary number. It is such things as these the public want. They say so from all quarters, and that they wish to hear *reason* instead of *disgusting blackguardism.* The public sentiment being now on the creep, and many heavy circumstances about to fall into the republican scale, we are sensible that this summer is the season for systematic energies and sac-

rifices. *The engine is the press.* Every man must lay his purse and *his pen* under contribution. As to the former, it is possible I may be obliged to assume something for you. As to the latter, let me pray and beseech you to set apart a *certain portion of every post-day to write what may be proper for the public.* Send it to me while here, and when I go away I will let you know to whom you may send, so that your name shall be sacredly secret. You can render such incalculable services in this way as to lessen the effect of our loss of your presence here."

Whether Mr. Jefferson's declaration, that he never wrote a word for a newspaper in his life, be true or not, is a point that need not be determined. Every person who shall read the foregoing extracts from his letters, will form his own opinion. That he was extremely urgent with his friends to perform that service for his party and their principles, and stimulated them to the duty by every motive that he could lay before them, cannot be denied; and in one instance, that with characteristic caution and cunning, he had prepared an article, in the shape of a petition, intended to counteract the effects of a presentment of a grand jury, and was expressly designed to be published in the newspapers, at a critical moment which was expected to arrive, is certain from his own declaration. He did not, it is true, mean to acknowledge it as his own offspring. But it is said to have been no uncommon thing for him to be placed in a similar situation, with regard even to those who might have claimed a nearer relationship to him than such as is formed by the artificial ties of political partizanship, but who he did not openly acknowledge as such. As far forth as these intimate friends and councillors of his engaged, at his solicitation, in newspaper disquisitions, he is as much responsible for their productions, according to the maxim above alluded to, as if they had been written by

his own hand. Under such circumstances, it was hardly worth his while to acquit himself of the charge of having never written for the newspapers, nor will he gain much credit for his assertions, when he was so anxious to induce his friends to write, and when it is well known that he placed at least as much confidence in his own talents as he did in those of any other man.

The federalists viewed Mr. Jefferson as an unbeliever in Christianity; and whatever might have been originally the state of his mind on the subject, that during his residence in France, he had imbibed the loose sentiments of their revolutionists and infidel philosophers, and was therefore an unfit man to be elected chief magistrate of a nation professedly Christian. To prove the justice of their estimate of his character, the following extracts from his letters are adduced.

In the 3d volume of Mr. Jefferson's works, page 461, is a letter from him to Dr. Joseph Priestly, dated March 21, 1804, of which the following is an extract:—

"I learned some time ago that you were in Philadelphia, but that it was only for a fortnight; and I supposed you were gone. It was not till yesterday I received information that you were still there, had been very ill, but were on the recovery. I sincerely rejoice that you are so. Yours is one of the few lives precious to mankind, and for the continuance of which every thinking man is solicitous. Bigots may be an exception. What an effort of bigotry in politics and religion have we gone through. The barbarians really flattered themselves they should be able to bring back the times of Vandalism, when ignorance put everything into the hands of power and priestcraft. All advances in science were proscribed as innovations. They pretended to praise and encourage education, but it was to be the education of our ancestors. We were to look back-

wards, not forwards, for improvement: the president himself declaring in one of his answers to addresses, that we were never to expect to go beyond them in real science. This was the real ground of all the attacks on you: those who live by mystery and *charlatanerie*, fearing you would render them useless by simplifying the Christian philosophy, the most sublime and benevolent but most perverted system that ever shone on man, endeavored to crush your well earned and well deserved fame. But it was the Lilliputians upon Gulliver. Our countrymen have recovered from the alarm into which art and industry had thrown them; science and honesty are replaced on their high ground; and you, as their great apostle, are on its pinnacle."

In the 506th page of the same volume, is a letter to doctor Benjamin Rush, dated April 21, 1803, from which the following extract is taken:—

"In some of the delightful conversations with you, in the evenings of 1798–99, and which served as an anodyne to the afflictions through which our country was then laboring, the Christian religion was sometimes our topic: and I then promised you that, one day or other, I would give you my views of it. They are the result of a life of inquiry and reflection, and very different from that anti-Christian system imputed to me by those who know nothing of my opinions. To the corruptions of Christianity I am indeed opposed; but not to the genuine precepts of Jesus himself. I am a Christian in the only sense in which he wished any one to be; sincerely attached to his doctrines in preference to all others; ascribing to himself every *human* excellence; and believing he never claimed any other. At the short intervals since these conversations, when I could justifiably abstract my mind from public affairs, the subject has been under contemplation. But

the more I considered it, the more it expanded beyond the measure of either my time or information. In the moment of my late departure from Monticello, I received from doctor Priestly his little treatise of 'Socrates and Jesus compared.' This being a section of the general view I had taken of the field, it became a subject of reflection while on the road and unoccupied otherwise. The result was to arrange in my mind a syllabus or outline of such an estimate of the comparative merits of Christianity as I wished to see executed by some one of more leisure and information for the task than myself. This I now send you, as the only discharge of my promise I can probably ever execute. And in confiding it to you, I know it will not be exposed to the malignant perversions of those who make every word from me a text for new misrepresentations and calumnies. I am, moreover, averse to the communication of my religious tenets to the public; because it would countenance the presumption of those who have endeavored to draw them before that tribunal, and to seduce public opinion to erect itself into that inquisition over the rights of conscience, which the laws have so justly proscribed. It behooves every man who values liberty of conscience, for himself, to resist invasions of it in the case of others; or their case may, by change of circumstances, become his own. It behooves him, too, in his own case, to give no example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God and himself.

"*Syllabus of an estimate of the merit of the doctrines of Jesus compared with those of others.*

"In a comparative view of the ethics of the enlightened nations of antiquity, of the Jews and of Jesus, no notice should be taken of the corruption of reason among the ancients, to wit, the idolatry and superstition of the vulgar,

nor of the corruptions of Christianity by the learned among its professors.

"Let a just view be taken of the moral principles inculcated by the most esteemed of the sects of ancient philosophy, or of their individuals; particularly Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca, Antoninus.

"I. Philosophers. 1. Their precepts related chiefly to ourselves, and the government of those passions which, unrestrained, would disturb the tranquillity of our minds. In this branch of philosophy they were really great.

"2. In developing our duties to others, they were short and defective. They embraced, indeed, the circles of kindred and friends, and inculcated patriotism, or the love of our country in the aggregate, as a primary obligation: towards our neighbors and countrymen they taught justice, but scarcely viewed them as within the circle of benevolence. Still less have they inculcated peace, charity, and love to our fellow-men, or embraced with benevolence the whole family of mankind.

"II. Jews. 1. Their system was deism; that is, the belief of one only God. But their ideas of him and his attributes were degrading and injurious.

"2. Their ethics were not only imperfect, but often irreconcilable with the sound dictates of reason and morality, as they respect intercourse with those around us; and repulsive and anti-social as respecting other nations. They needed reformation, therefore, in an eminent degree.

"III. Jesus. In this state of things among the Jews, Jesus appeared. His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent: he was meek, benevolent, patient, firm, disinterested, and of the sublimest eloquence.

"The disadvantages under which his doctrines appear are remarkable.

"1. Like Socrates and Epictetus, he wrote nothing himself.

"2. But he had not, like them, a Xenophon or an Arrian to write for him. I name not Plato, who only used the name of Socrates to cover the whimsies of his own brain. On the contrary, all the learned of his country, entrenched in his power and riches, were opposed to him, lest his labors should undermine their advantages; and the committing to writing his life and doctrines fell on unlettered and ignorant men, who wrote, too, from memory, and not till long after the transactions had passed.

"3. According to the ordinary fate of those who attempt to enlighten and reform mankind, he fell an early victim to the jealousy and combination of the altar and the throne, at about thirty-three years of age, his reason not having yet attained the *maximum* of its energy, nor the course of his preaching, which was but of three years at most, presented occasions for developing a complete system of morals.

"4. Hence the doctrines which he really delivered were *defective as a whole*, and fragments of what he did deliver have come to us mutilated, misstated, and often unintelligible.

"5. They have been still more disfigured by the corruptions of schismatizing followers, who have found an interest in sophisticating and perverting the simple doctrines he taught by engrafting on them the mysticisms of a Grecian sophist, frittering them into subtleties, and obscuring them with jargon, until they have caused good men to reject the whole in disgust, and to view Jesus himself as an impostor.

"Notwithstanding these disadvantages, a system of morals is presented to us, which, if filled up in the style and spirit of the rich fragments he left us, would be the most perfect and sublime that has ever been taught by man.

"The question of his being a member of the Godhead, or in direct communication with it, claimed for him by some of his followers and denied by others, is foreign to the present view, which is merely an estimate of the intrinsic merit of his doctrines.

"1. He corrected the deism of the Jews, confirming them in their belief of one only God, and giving them juster notions of his attributes and government.

"2. His moral doctrines, relating to kindred and friends, were more pure and perfect than those of the most correct of the philosophers, and greatly more so than those of the Jews; and they went far beyond both in inculcating universal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family under the bonds of love, charity, peace, common wants and common aids. A development of this head will evince the peculiar superiority of the system of Jesus over all others.

"3. The precepts of philosophy, and of the Hebrew code, laid hold of actions only. He pushed his scrutinies into the heart of man; erected his tribunal in the region of his thoughts, and purified the waters at the fountain head.

"4. He taught, emphatically, the doctrine of a future state, which was either doubted or disbelieved by the Jews; and wielded it with efficacy, as an important incentive, supplementary to the other motives to moral conduct."

In a letter to John Adams, dated August 22, 1813, (4th vol. Jefferson's works, page 204,) is the following passage:—

"Your approbation of my outline to Dr. Priestly is a great gratification to me; and I very much suspect that if thinking men would have the courage to think for themselves, and to speak what they think, it would be found.

they do not differ in religious opinions as much as is supposed. I remember to have heard Dr. Priestly say, that if all England would candidly examine themselves, and confess, they would find that Unitarianism was really the religion of all: and I observe a bill is now depending in parliament for the relief of anti-Trinitarians. It is too late in the day for men of sincerity to pretend they believe in the Platonic mysticisms that three are one, and one is three; and yet that the one is not three, and the three are not one: to divide mankind by a single letter into *omoousians* and *omoiousians*. But this constitutes the craft, the power, and the profit of the priests. Sweep away their gossamer fabrics of factitious religion, and they would catch no more flies. We should all then, like the Quakers, live without an order of priests, moralize for ourselves, follow the oracle of conscience, and say nothing about what no man can understand, nor therefore believe; for I suppose belief to be the assent of the mind to an intelligible proposition."

The letter to William Short, dated April 13, 1820, from which the following extract is taken, will be found in the 4th volume of Jefferson's works, page 320.

"Your favor of March 27th is received, and, as you request, a copy of the syllabus is now enclosed. It was originally written to Dr. Rush. On his death, fearing that the inquisition of the public might get hold of it, I asked the return of it from the family, which they kindly complied with. At the request of another friend, I had given him a copy. He lent it to his friend to read, who copied it, and in a few months it appeared in the Theological Magazine of London. Happily, that repository is scarcely known in this country; and the syllabus, therefore, is still a secret, and in your hands I am sure it will continue so.

"But while this syllabus is meant to place the charac-

ter of Jesus in its true light, as no impostor himself, but a great reformer of the Hebrew code of religion, it is not to be understood that I am with him in all his doctrines. I am a materialist; he takes the side of spiritualism: he preaches the efficacy of repentance towards forgiveness of sin; I require a counterpoise of good works to redeem it, &c. &c. It is the innocence of his character, the purity and sublimity of his moral precepts, the eloquence of his inculcations, the beauty of the apologues in which he conveys them that I so much admire; sometimes, indeed, needing indulgence to eastern hyperbolism. My eulogies, too, may be founded on a postulate which all may not be ready to grant. Among the sayings and discourses imputed to him by his biographers, I find many passages of fine imagination, correct morality, and of the most lovely benevolence; and others, again, of so much ignorance, so much absurdity, so much untruth, charlatanism and imposture, as to pronounce it impossible that such contradictions should have proceeded from the same being. I separate, therefore, the gold from the dross; restore to him the former, and leave the latter to the stupidity of some, and roguery of others, of his disciples. *Of this band of dupes and impostors, Paul was the great Coryphæus and first corrupter of the doctrines of Jesus.* These palpable interpolations and falsifications of his doctrines led me to try to sift them apart. I found the work obvious and easy, and that his part composed the most beautiful morsel of morality which has been given to us by man. The syllabus is therefore of *his* doctrine, not *all* of *mine*. I read them as I do those of other ancient and modern moralists, with a mixture of approbation and dissent."

At the 325th page of the same volume, there is another letter to Mr. Short, from which the following extract is taken:—

"I owe you a letter for your favor of June the 29th, which was received in due time; and there being no subject of the day of particular interest, I will make this a supplement to mine of April the 13th. My aim in that was, to justify the character of Jesus against the fictions of his psuedo followers, which have exposed him to the inference of being an impostor. For if we could believe that he really countenanced the follies, the falsehoods, and the charlatanisms which his biographers father on him, and admit the misconstructions, interpolations, and theorizations of the fathers of the early and the fanatics of the latter ages, the conclusion would be irresistible by every sound mind, that he was an impostor. I give no credit to their falsifications of his actions and doctrines, and to rescue his character, the postulate in my letter asked only what is granted in reading every other historian. When Livy and Siculus, for example, tell us things which coincide with our experience of the order of nature, we credit them on their word, and place their narrations among the records of credible history. But when they tell us of calves speaking, of statues sweating blood, and other things against the course of nature, we reject these as fables not belonging to history. In like manner, when an historian, speaking of a character well known and established on satisfactory testimony, imputes to it things incompatible with that character, we reject them without hesitation, and assent to that only of which we have better evidence. I say, that this free exercise of reason is all I ask for the vindication of the character of Jesus. We find in the writings of his biographers matter of two distinct descriptions. First, a ground work of vulgar ignorance, of things impossible, of superstitions, fanaticisms, and fabrications. Intermixed with these, again, are sublime ideas of the supreme Being, aphorisms and precepts of the purest morality and

benevolence, sanctioned by a life of humility, innocence, and simplicity of manners, neglect of riches, absence of worldly ambition and honors, with an eloquence and persuasiveness which have not been surpassed. These could not be inventions of the groveling authors who relate them. They are far beyond the powers of their feeble minds. They show that there was a character, the subject of their history, whose splendid conceptions were above all suspicion of being interpolations from their hands. Can we be at a loss in separating such materials, and ascribing each to its genuine author? The difference is obvious to the eye and to the understanding, and we may read as we run to each his part; and I will venture to affirm that he who, as I have done, will undertake to winnow this grain from its chaff, will find it not to require a moment's consideration. The parts fall asunder of themselves, as would those of an image of metal and clay.

"There are, I acknowledge, passages not free from objections, which we may with probability ascribe to Jesus himself; but claiming indulgence from the circumstances under which he acted. His object was the reformation of some articles in the religion of the Jews, as taught by Moses. *That sect had presented for the object of their worship, a being of terrific character, cruel, vindictive, capricious, and unjust.* Jesus, taking for his type the best qualities of the human head and heart, wisdom, justice, goodness, and adding to them power, ascribed all of these, but in infinite perfection, to the supreme Being, and formed him really worthy of their admiration.

"Moses had either not believed in a future state of existence, or had not thought it essential to be explicitly taught to his people. Jesus inculcated that doctrine with emphasis and precision. Moses had bound the Jews to many idle ceremonies, mummeries, and observances, of no

effect towards producing the social utilities which constitute the essence of virtue; Jesus exposed their futility and insignificance. The one instilled into his people the most anti-social spirit towards other nations; the other preached philanthropy and universal charity and benevolence. The office of reformer of the superstitions of a nation is ever dangerous. Jesus had to walk on the perilous confines of reason, and religion: and a step to right or left might place him within the gripe of the priests of the superstition, a blood-thirsty race, as cruel and remorseless as the being whom they represented as the family God of Abraham, of Isaac, and of Jacob, and the local God of Israel. They were constantly laying snares, too, to entangle him in the web of the law. He was justifiable, therefore, in avoiding these by evasions, by sophisms, by misconstructions, and misapplications of scraps of the prophets, and in defending himself with these their own weapons, as sufficient *ad homines*, at least. That Jesus did not mean to impose himself on mankind as the son of God, physically speaking, I have been convinced by the writings of men more learned than myself in that lore. But *that he might conscientiously believe himself inspired from above, is very possible.* The whole religion of the Jews, inculcated on him from his infancy, was founded in the divine inspiration. The fumes of the most disordered imaginations were recorded in their religious code, as special communications of the Deity; and as it could not but happen that, in the course of ages, events would now and then turn up to which some of these vague rhapsodies might be accommodated by the aid of allegories, figures, types, and other tricks upon words, they have not only preserved their credit with the Jews of all subsequent times, but are the foundation of much of the religions of those who have schismatized from them. Elevated by

the enthusiasm of a warm and pure heart, conscious of the high strains of an eloquence which had not been taught him, he might readily mistake the coruscations of his own fine genius for inspirations of a higher order. This belief carried, therefore, no more personal imputation than the belief of Socrates, that himself was under the care and admonitions of a guardian dæmon. And how many of our wisest men still believe in the reality of these inspirations, while perfectly sane on all other subjects. Excusing, therefore, on these considerations, those passages in the gospels which seem to bear marks of weakness in Jesus, ascribing to him what alone is consistent with the great and pure character of which the same writings furnish proofs, and to their proper authors their own trivialities and imbecilities, I think myself authorized to conclude the purity and disposition of his character, in opposition to the impostures which those authors would fix upon him; and that the postulate of my former letter is no more than is granted in all other historical works."

Mr Jefferson introduces the subject of religion into several other letters, of a later date than that from which the preceding extracts are taken, which contain sentiments of a character somewhat similar to those already quoted; but it is not necessary to copy them here. One additional letter only will be noticed.

In the 4th volume of his works, page 363, is a letter to John Adams, dated April 11, 1823, (a little more than three years before his death) from which the following extract is taken:—

"The wishes expressed in your last favor, that I may continue in life and health, until I become a Calvinist, at least in his exclamation of '*Mon Dieu! jusqu' a quand?*' would make me immortal. I can never join Calvin in addressing *his God*. He was indeed an atheist, which I can

never be; or rather his religion was dœmonism. If ever man worshipped a false God he did. The being described in his five points is not the God whom you and I acknowledge and adore, the creator and benevolent governor of the world; but a dœmon of malignant spirit. It would be more pardonable to believe in no God at all, than to blaspheme by the atrocious attributes of Calvin. Indeed, I think that every Christian sect gives a great handle to atheism by their general dogma, that, without a revelation, there would not be sufficient proof of the being of a God. Now one sixth of mankind only are supposed to be Christians: the other five-sixths then, who do not believe in the Jewish and Christian revelation, are without a knowledge of the existence of a God! This gives completely a *gain de cause* to the disciples of Ocellus, Timæus, Spinosa, Diderot and D'Holbach. The argument which they rest on as triumphant and unanswerable is, that in every hypothesis of cosmogony, you must admit an eternal pre-existence of something; and according to the rule of sound philosophy, you are never to employ two principles to solve a difficulty when one will suffice. They say, then, that it is more simple to believe at once in the eternal pre-existence of the world as it is now going on, and may forever go on by the principle of reproduction which we see and witness, than to believe in the eternal pre-existence of an ulterior cause, or creator of the world, a being whom we see not and know not, of whose form, substance, and mode, or place of existence, or of action, no sense informs us, no power of the mind enables us to delineate or comprehend. On the contrary, I hold, (without appeal to revelation) that when we take a view of the universe, in its parts, general or particular, it is impossible for the human mind not to perceive and feel a conviction of design, consummate skill, and indefinite power in every atom of its composition.

The movements of the heavenly bodies, so exactly held in their course by the balance of centrifugal and centripetal forces; the structure of our earth itself, with its distribution of lands, waters and atmosphere; animal and vegetable bodies, examined in all their minutest particles; insects, mere atoms of life, yet as perfectly organized as man or mammoth; the mineral substances, their generation and uses; it is impossible, I say, for the human mind not to believe, that there is in all this design, cause and effect, up to an ultimate cause, a fabricator of all things from matter and motion, their preserver and regulator while permitted to exist in their present forms, and their regenerator into new and other forms. We see, too, evident proofs of the necessity of a superintending power to maintain the universe in its course and order. Stars, well known, have disappeared, new ones have come into view; comets, in their incalculable courses, may run foul of suns and planets, and require renovation under other laws; certain races of animals are become extinct; and were there no restoring power, all existences might extinguish successively, one by one, until all should be reduced to a shapeless chaos. So irresistible are these evidences of an intelligible and powerful agent, that, of the infinite numbers of men who have existed through all time, they have believed, in the proportion of a million at least to unit, in the hypothesis of an eternal pre-existence of a creator, rather than in that of a self-existent universe. Surely this unanimous sentiment renders this more probable than that of the few in the other hypothesis—cause and effect.

"Of the nature of this being we know nothing. Jesus tells us, that 'God is a spirit,' but without defining what a spirit is. Down to the third century, that it was still deemed material; but of a lighter and subtler matter than our gross bodies.

"Calvin's character of the supreme Being seems chiefly copied from that of the Jews. But the reformation of these blasphemous attributes, and substitution of those more worthy, pure and sublime, seems to have been the chief object of Jesus in his discourses to the Jews: and his doctrine of the cosmogony of the world is very clearly laid down in the three first verses of the first chapter of John, [quoting the passage in Greek.] Which, truly translated, means, 'In the beginning God existed, and reason (or mind) was with God, and that mind was God. This was in the beginning with God. All things were created by it, and without it was not one thing which was made.' Yet this text, so plainly declaring the doctrine of Jesus, that the world was created by the supreme intelligent Being, has been perverted by modern Christians to build up a second person of their tri-theism, by a mistranslation of the word *logos*. One of its legitimate meanings, indeed, is, 'a word.' But in that sense it makes an unmeaning jargon: while the other meaning, 'reason,' equally legitimate, explains rationally the eternal pre-existence of God, and his creation of the world. Knowing how incomprehensible it was that 'a word,' the mere action or articulation of the organs of speech, could create a world, they undertook to make of this articulation a second pre-existing being, and ascribe to him, and not to God, the creation of the universe. The atheist here plumes himself on the uselessness of such a God, and the simpler hypothesis of a self-existent universe. The truth is, that the greatest enemies to the doctrines of Jesus are those calling themselves the expositors of them, who have perverted them for the structure of a system of fancy absolutely incomprehensible, and without any foundation in his genuine words. And the day will come, when the mystical generation of Jesus, by the supreme Being as his father, in the womb of

a virgin, will be classed with the fable of the generation of Minerva in the brain of Jupiter. But we may hope that the dawn of reason and freedom of thought, in these United States, will do away all this artificial scaffolding, and restore to us the primitive and genuine doctrines of this the most venerated reformer of human errors."

From the general tenor and spirit of the letter to Dr. Priestly, one would naturally conclude that Mr. Jefferson would place himself in the ranks of Socinianism. This was the creed of that famous ecclesiastic; and as he had reduced the principles of his faith far below the Christian standard, Mr. Jefferson was probably induced to think favorably of his system. But it has been seen, by his subsequent letters on this subject, that he adopted a plan much inferior in the scale of orthodoxy to that of Priestly. Tucker, in his life of Jefferson recently published, thinks himself authorized, by all that is known of Mr. Jefferson's system of faith, to say, that he was a *Theist*—that is, that he believed in a God. It is extremely difficult for the mind to conceive that any man, living under the full and clear light of Christianity, can be an atheist. Mr. Jefferson does frequently speak in such a manner as to lead the world to conclude that he acknowledged in his creed the existence of a supreme Being. But there are expressions in his writings, that give room at least for a doubt, whether he even reached the point of faith conceded to him by his biographer. It is very certain that he did not believe at all in the divine origin of Christianity, and, of course, not in the inspiration of the Scriptures, even of the New Testament. In his letter to Dr. Rush, when speaking of the Saviour, he says, "His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent; he was meek, benevolent, patient, firm, disinterested, and of the sublimest el-

oquence." This is placing him upon the ground of a mere man, possessed, indeed, of extraordinary qualities, but nothing above the rank of a human being—and he says that he believes he never claimed any other than *human excellence*. And he considers him unfortunate in having written none of his own doctrines, but depended upon others to perform that task; and those were unlettered and ignorant men. This makes it perfectly clear, that Mr. Jefferson did not believe that "all Scripture was given by inspiration," as he places the New Testament upon the same footing with the works of Xenophen and Arrian, and of course other reputable works of profane authors.

He considered the doctrines which Christ *really* delivered defective, as a whole; fragments only of which have come down to us, and those mutilated, mis-stated, and often unintelligible. That Christ might conscientiously believe himself inspired, he thinks very possible; and he asks, "how many of our wisest men still believe in the reality of these inspirations, while perfectly sane on all other subjects." On such considerations, he is willing to excuse "those passages in the gospels which seem to bear marks of weakness in Jesus, ascribing to him what alone is consistent with the great and pure character of which the same writings furnish proof, and to their proper authors their own trivialities and imbecilities."

Mr. Jefferson says, the Saviour's doctrine respecting the creation of the world is clearly laid down in the three first verses of the first chapter of John, and says the Greek, when truly translated, means that "In the beginning God existed, and *reason* or *mind*, was with God, and *that mind was God*. This was in the beginning with God. All things were created by it, and without it was not one thing which was made." If there is any meaning in this, it is that *reason*, or *mind*, which it would seem in his opin-

ion means the same thing, *is God*, and created the world. This text, he says, "so plainly declaring the doctrine of Jesus, that the world was created by the supreme intelligent Being, has been perverted by modern Christians to build a second person of their tri-theism by a mistranslation of the word *Logos*. One of its legitimate meanings, indeed, is 'a word.' But in that sense, it makes an unmeaning jargon: while the other meaning, 'reason,' equal-

legitimate, explains rationally the eternal pre-existence of God, and his creation of the world." If Mr. Jefferson had taken the trouble to read a little further in the same chapter, he would have found a difficulty in his system in the following passage, which his translation of *Logos* would not have obviated—

"He was in the world, and the world was made by him, and the world knew him not.

"He came unto his own, and his own received him not.

"But as many as received him, to them gave he power to become the sons of God, even to them that believe on his name.

"Which were born, not of blood, nor of the will of the flesh, nor of the will of man, but of God.

"And the Word was made flesh, and dwelt among us, and we beheld his glory, the glory as of the only begotten of the Father, full of grace and truth."

According to Mr. Jefferson's doctrine, whatever *Logos* means, whether word or reason or mind, if the passage, just quoted speaks the truth, that word or reason or mind was made flesh, and dwelt on the earth—that the world was made by him, but the world knew him not, and no criticism was ever more childish and contemptible, than his attempt to convey the idea that the "*Word*" spoken of by St. John, meant no more than the mere action or articulation of the organs of speech. John meant to say that

the Logos which he named created the world, that all things were made by *him*, and without *him* was not anything made that was made, and that he was made *flesh*, and *dwelt among the Jews*. If he believed that reason, or mind, was capable of doing all this, his feelings need not to have been alarmed at any degree of credulity with which he might be accused, by either Christians or infidels.

The history of the creation in the Bible— the only one that does, or ever did exist—says, "And GOD said LET THERE BE LIGHT: *and there was light.*" If this account of that great event is to be credited—and all Christians believe it—the world was created by the articulation of a very short sentence. And the truth of the story is afterwards reaffirmed in the scriptures in the concise but very emphatic passage, "*He spake* and it was done, *He commanded*, and it *stood fast.*" However difficult it might have been for Mr. Jefferson to believe in the existence of omnipotence in any being, and that the exertion of such a power could create a world, he says, that without appealing to revelation, "when we take a view of the universe, in its parts, general or particular, it is impossible for the human mind not to perceive and feel a conviction of design, consummate skill, and indefinite power in every atom of its composition." The Christian has no difficulty on this subject. He appeals to revelation, and believes it to be the work of an all-wise and an all-powerful God. But Mr. Jefferson, obviously unwilling to take the scriptures for authority, thinks reason, or mind, was God, and that one of those properties actually created the world. But which system requires the greatest stretch of credulity—to believe that the world was created, and is governed by the exertion of *reason* or by the *fiat* of an all-wise and omnipotent Being? By his theory, he falls into the gross absurdity of degrading the author of the creation to a

mere inoperative and inefficient agent, and this, apparently, for the sole purpose of getting rid of the scriptural account of that marvelous but most interesting event.

But, upon recurring to one of his letters to Mr. Adams, it will be found that his notions of the supreme Being fall much below the standard even of reason or mind. "Of the nature of this being," he says, "we know nothing. Jesus tells us that 'God is a spirit,' but without defining what a spirit is. Down to the third century, that it was still deemed material; but of a lighter and subtler matter than our gross bodies." In his letter to Mr. Short, he says, "it is not to be understood that I am with him (Jesus) in all his doctrines. I am a materialist; he takes the side of spiritualism."

As neither Mr Jefferson, nor any other person, ever saw or discovered a material supreme Being, and as he expressly disclaims the Christian's God, it would seem necessarily to follow, that he believed in no God; or in other words, that he was an atheist.

That he was so, may be fairly inferred from the language he uses when speaking of the God of the Bible. This is not merely irreverent; it is blasphemous. "Jesus," he says, "had to walk on the perilous confines of reason and religion, and a step to right or left, might place him within the gripe of the priests of the superstition, a bloodthirsty race, as cruel and remorseless as the being whom they represented as the family God of Abraham, of Isaac, and of Jacob, and the local God of Israel,"—a being who, in another place, he describes as of a terrific character, cruel, vindictive, capricious and unjust. "I can never," says he in a letter to Mr. Adams, "join Calvin in addressing *his God.* He was indeed an atheist, which I can never be; or rather his religion was dæmonism. If ever man worshiped a false God, he did. The being described in

his five points, is not the God whom you and I acknowledge and adore, the creator and benevolent governor of the world; but a dæmon of a malignant spirit. It would be more pardonable to believe in no God at all than to blaspheme by the atrocious attributes of Calvin. Indeed, I think that every Christian sect gives a great handle to atheism by their general dogma, that, without a revelation, there would not be sufficient proof of the being of a God."

It cannot be necessary to adopt any train of reasoning to show that a man who disbelieves the inspiration and divine authority of the Scriptures—who not only denies the divinity of the Saviour but reduces him to the grade of an uneducated, ignorant and erring man—who calls the God of Abraham, (the Jehovah of the Bible,) a cruel and remorseless being—cannot be a Christian. Nor, after seeing this, can it excite any surprise to find him, when speaking of the Saviour, saying, "Among the sayings and discourses imputed to him by his biographers, I find many passages of fine imagination, correct morality, and the most lovely benevolence; and others, again, of so much ignorance, so much absurdity, so much untruth, charlatanism and imposture, as to pronounce it impossible that such contradictions should have proceeded from the same being. I separate the gold from the dross, restore to him the former, and leave the latter to the stupidity of some, and roguery of others of his disciples. Of this band of dupes and impostors, *Paul was the great Coryphæus and first corrupter of the doctrines of Jesus.*"*

* Since writing the foregoing account of Mr. Jefferson's religious character, the following fact on that subject has been communicated to the author by a gentleman of the highest respectability.

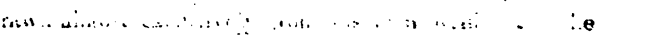
A senator of the United States, having occasion to examine Hutchinson's History of Massachusetts—one of the books belong-

In the foregoing pages, will be found some of the reasons why the federalists were opposed to Mr. Jefferson as a candidate for the office of president of the United States. The number might easily have been enlarged; but the list is numerous enough for the object which the author has in view.

They considered him as originally opposed to the constitution of the United States—as indulging an undue and dangerous attachment to the principles and measures of the leaders of revolutionary France—they believed that, if once placed at the head of the government, he would make use of its patronage and power to promote his own personal interests, and to cherish and foster those of his party—that he entertained a deeply-rooted and inveterate hostility to an independent judiciary—that his sentiments respecting the co-ordinate powers of the different branches of government, and especially of the executive and judicial, were unsound and dangerous—that he had imbibed the strange and absurd vagary, that one generation of men could not, individually or collectively, do any act that would be obligatory upon their successors of another generation—they considered him as a mere partizan

ing to Mr. Jefferson's library which was purchased by congress—came across the passage where the author of that work gives an account of the preaching of the celebrated Roger Williams to the Indians, in the course of which, he spoke to them of the "general resurrection;" upon hearing this his ignorant, uncivilized audience gave a shout of unbelief in so strange a doctrine. On the margin opposite this account, in Mr. Jefferson's hand writing, it was written, "*Indians are not so stupid as to believe this.*" This was shown to a senator from Virginia, who instantly recognized the entry upon the margin to be in Mr. Jefferson's hand writing, and was about to erase it, when the gentleman told him he must return the volume to the library as he received it. Some time afterwards he saw it again, and the erasure had been made.

in politics, who would sacrifice the welfare of his country to promote that of his political associates—that he would pay no regard to the provisions or principles of the constitution if they stood in the way between him and a favorite object—they believed him to be a secret, insiduous enemy of Washington, and that he did every thing he dared to destroy his popularity, influence and character—they had no confidence in his talents as a statesman, but considered him as a visionary theorist, governed by the abstract, dangerous and impracticable notions of revolutionary France, instead of the sound, reasonable and practical principles of experience and wisdom—that without the slightest foundation in truth, but for the sole purpose of rendering them unpopular and odious, and to promote his own interests, he accused the federalists of being monarchists, and of endeavoring to change our government into a monarchy founded upon a similar model with that of Great Britain—that he opposed the alien and sedition laws, not because they were unconstitutional, but for the purpose of courting popularity with foreigners residing in the country, with the view of rendering the federalists unpopular. The federalists had no confidence in Mr. Jefferon's veracity—they considered him as habitually insincere and hypocritical—they viewed his attacks upon the political character of Hamilton as vindictive and malignant, and intended to destroy the reputation of a man whom he viewed as a rival—that he would descend to the low means and artifices of a practiced intriguer and demagogue to gain favor with the lowest classes of the community—that he was, as it respected religious belief, an infidel of the grossest character, and bordering closely on atheism. The evidence in support of these various charges and allegations, is the best of which the nature of the case admits, for it is



only question will be, whether it supports the charges and allegations for which it is adduced. If it does not, the author is incapable of weighing testimony. If it does, he has accomplished the object which he had in view; which was, to vindicate the character and policy of the federalists from aspersions as unjust and defamatory as were ever uttered—to rescue them, as individuals and as a political party from the reproaches cast upon them by Mr. Jefferson and his adherents; and to show that they were distinguished public benefactors, and virtuous, patriotic and disinterested friends of the constitution and liberties of their country. To their talents Mr. Jefferson himself, however unwillingly, was forced to bear abundant testimony; of course, their claim to them will not be denied or disputed by his admirers and followers.

If his own character, as exhibited in this work, appears disadvantageously, it will be remembered that, however little flattering it would have been to his vanity, or however mortifying it may be to the feelings of his friends or to the pride of those who affect to consider him the boast and ornament of his country, the portrait is drawn by himself, and therefore must be a likeness. At the same time, the fact will not be lost sight of, that the materials which have been made use of in the delineation of this character were prepared for this express purpose by Mr. Jefferson himself, when he had a full opportunity to review the events of a very long life, which was just then drawing near to its close, and to select from the great mass those, and those only, on which he wished to rest his claim for the applause and approbation of future generations. Every circumstance, therefore, recorded by him with the view of being afterwards transferred to his annals, must be considered as possessing, in his own estimation, such [illegible]

to the latest period of time. Whatever opinions the present race of men may form of Mr. Jefferson's political and moral sentiments and principles as they are displayed in this work, it is certain that the exhibition is such as he intended should be prepared and presented to the world, as the foundation of his claim to pre-eminence over the distinguished patriots and statesmen of his country.

APPENDIX.

The following are extracts from a letter to general Washington from James Madison, dated April 16th, 1787. The reader will naturally be led to compare the suggestions in this letter, with those by general Hamilton, in his letter to colonel Pickering.

"Having been lately led to revolve the subject which is to undergo the discussion of the convention, and formed in my mind some outlines of a new system, I take the liberty of submitting them without apology to your eye.

"Conceiving that an individual independence of the states is totally irreconcilable with their aggregate sovereignty, and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable, I have sought for some middle ground, which may at once support a due supremacy of the national authority, and not exclude the local authorities wherever they can be subordinately useful.

"I would propose as the groundwork, that a change be made in the principle of representation. According to the present form of the Union, in which the intervention of the states is in all great cases necessary to effectuate the measures of congress, an equality of suffrage does not destroy the inequality of importance in the several members. No one will deny that Virginia and Massachusetts have more weight and influence, both within and without congress, than Delaware or Rhode Island. Under a system which would operate in many essential points without the intervention of the state legislatures, the case would be materially altered. A vote in the national councils from Delaware would then have the same effect and value as one from the largest state in the Union. I am ready to believe that such a change will not be attended with much difficulty; a majority of the states, and those of the greatest

influence, will regard it as favorable to them. To the northern states it will be recommended by their present populousness; to the southern, by their expected advantage in this respect. The less states must in every event yield to the predominant will. But the consideration which particularly urges a change in the representation, is, that it will obviate the principal objections of the larger states to the necessary concessions of power.

"I would propose next, that in addition to the present federal powers, the national government should be armed with positive and complete authority in all cases which require uniformity; such as the regulation of trade, including the right of taxing both exports and imports, the fixing the terms and forms of naturalization, &c.

"Over and above this positive power, *a negative in all cases whatsoever on the legislative acts of the states, as heretofore exercised by the kingly prerogative, appears to me to be absolutely necessary*, and to be the least possible encroachment on the state jurisdictions. Without this defensive power, every positive power that can be given on paper will be evaded and defeated. The states will continue to invade the national jurisdiction, to violate treaties and the law of nations, and to harass each other with rival and spiteful measures dictated by mistaken views of interest. Another happy effect of this prerogative would be its control over the internal vicissitudes of state policy, and the aggressions of interested majorities on the rights of minorities and of individuals. The great desideratum, which has not yet been found for republican governments, seems to be some disinterested and dispassionate umpire in disputes between different passions and interests in the states. The majority, who alone have the right of decision, have frequently an interest, real or supposed, in abusing it. In monarchies, the sovereign is more neutral to the interests and views of different parties; but unfortunately he too often forms interests of his own, repugnant to those of the whole. Might not the national prerogative here suggested be found sufficiently disinterested for the decision of local questions of policy, whilst it would itself be sufficiently restrained from the pursuit of interests adverse to those of the whole society? There has not been any moment since the peace, at which the representatives of the Union would have given an assent to paper money or any other measure of a kindred nature.

The national supremacy ought also to be extended, as I conceive,

to the judiciary departments. If those who are to expound and apply the laws, are connected by their interests and their oaths with the particular states wholly, and not with the Union, the participation of the Union in the making of the laws may be possibly rendered unavailing."—*Washington's Correspondence, by Sparks, 9th Volume, (Appendix.)*

MAY 9 - 1939